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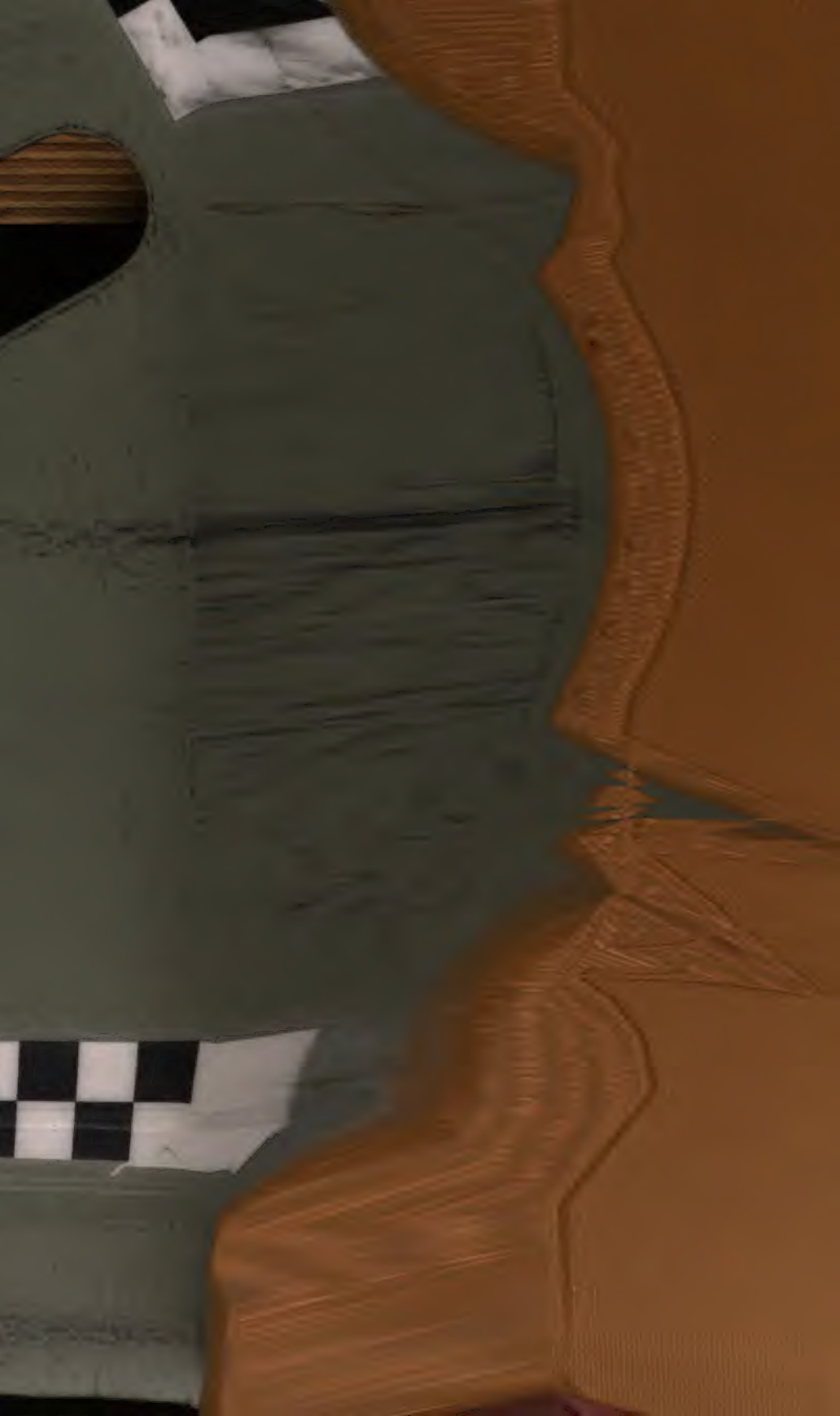
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ACTS

AND

RESOLVES

PASSED BY THE

**General Court of Massachusetts,**

IN THE YEAR

1897,

TOGETHER WITH

THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,  
LIST OF THE CIVIL GOVERNMENT, TABLES SHOWING  
CHANGES IN THE STATUTES, CHANGES OF  
NAMES OF PERSONS, ETC., ETC.

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# A CONSTITUTION

OR

## FORM OF GOVERNMENT

FOR THE

*Commonwealth of Massachusetts.*

---

### PREAMBLE.

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquillity their natural rights, and the blessings of life: and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

Objects of  
government.

The body politic is formed by a voluntary association of individuals: it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

Body politic,  
how formed.  
its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into

## CONSTITUTION OF THE

an original, explicit, and solemn compact with each other ; and of forming a new constitution of civil government, for ourselves and posterity ; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

## PART THE FIRST.

*A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.*

Equality and natural rights of all men.

ARTICLE I. All men are born free and equal, and have certain natural, essential, and unalienable rights ; among which may be reckoned the right of enjoying and defending their lives and liberties ; that of acquiring, possessing, and protecting property ; in fine, that of seeking and obtaining their safety and happiness.

Right and duty of public religious worship. Protection therein.  
2 CUSH. 104.  
12 ALLEN, 129.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience ; or for his religious profession of sentiments ; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Amendment, Art. XI. substituted for this.

III. [As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion, and morality ; and as these cannot be generally diffused through a community but by the institution of the public worship of God, and of public instructions in piety, religion, and morality : Therefore, to promote their happiness, and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers

Legislature empowered to compel provision for public worship ;

of piety, religion, and morality, in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, etc.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. 8 Met. 182. Subordination of one sect to another prohibited.

IV. The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter be, by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, etc.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

born a magistrate, lawgiver, or judge, is absurd & unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good for the protection, safety, prosperity, and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestible, unalienable, and infeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have right, at such periods and in such manner as they shall establish by their frame of government, to cause the public officers to return to private life; and to fill the vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office. For the definition of "inhabitant," see Ch. I. Sect. 2, Art. II. Right of protection and duty of contribution correlative.

IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications they shall establish by their frame of government, have equal right to elect officers, and to be elected, for public employments.

122 Mass. 595, 596.

Taxation founded on consent. 16 Mass. 326. 1 Pick. 418. 7 Pick. 344. 12 Pick. 184, 467. 16 Pick. 87. 23 Pick. 360. 7 Met. 388. 4 Gray, 474. 7 Gray, 368. 14 Gray, 154. 1 Allen, 150. 4 Allen, 474. Private property not to be taken for public uses without, etc. 6 Cush. 327. 14 Gray, 155. 16 Gray, 417, 431.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of the protection; to give his personal service, or an equivalent when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of the commonwealth are not controllable by any other law than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive reasonable compensation therefor.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52,
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 423, 441.	129 Mass. 559.
100 Mass. 544, 510.	111 Mass. 130.		

Remedies, by recourse to the law, to be free, complete and prompt.

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it



completely, and without any denial; promptly, and without delay; conformably to the laws.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially, and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

87 Mass. 172, 180. 118 Mass. 443, 451. 122 Mass. 332. 127 Mass. 550, 554.  
108 Mass. 5, 6. 120 Mass. 118, 120. 124 Mass. 464. 129 Mass. 559.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Prosecutions regulated.  
8 Pick. 211.  
10 Pick. 9.  
18 Pick. 434.  
21 Pick. 542.  
2 Met. 329.  
12 Cush. 246.  
1 Gray, 1.  
5 Gray, 160.  
8 Gray, 329.  
10 Gray, 11.  
11 Gray, 438.  
2 Allen, 361.  
11 Allen, 238-240, 264, 439, 473.  
12 Allen, 170.  
97 Mass. 570, 573.  
100 Mass. 287, 295.  
103 Mass. 418.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the great securities of the life, liberty, and property of the citizen.

Right to trial by jury in criminal cases, except, etc.  
8 Gray, 329, 373.  
103 Mass. 418.

XIV. Every subject has a right to be secure from all unreasonable searches, and seizures, of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities prescribed by the laws.

Crimes to be proved in the vicinity.  
2 Pick. 550.  
121 Mass. 61, 62.

Right of search and seizure regulated.  
Const. of U. S., Amend't IV.  
2 Met. 329.  
5 Cush. 369.  
1 Gray, 1.  
13 Gray, 454.  
10 Allen, 403.  
100 Mass. 136, 139.  
126 Mass. 269, 273.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherwise used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, etc.  
Const. of U. S., Amend't VII.  
2 Pick. 382.  
7 Pick. 366.  
5 Gray, 144.  
8 Gray, 373.  
11 Allen, 574, 577.  
102 Mass. 45, 47.

714 Mass. 388, 390. 121 Mass. 505, 516. 125 Mass. 182, 188.  
120 Mass. 320, 321. 123 Mass. 590, 593. 128 Mass. 600.

Liberty of the press.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this commonwealth.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil. 5 Gray, 121.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Moral qualifications for office.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Power to suspend the laws or their execution.

XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Freedom of debate, etc., and reason thereof.

XXI. The freedom of deliberation, speech, and debate in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

Frequent sessions, and objects thereof.

XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

Taxation founded on consent. 8 Allen, 247.

XXIII. No subsidy, charge, tax, impost, or duties ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people or their representatives in the legislature.

**XXIV.** Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

*Ex post facto*  
laws prohibited.  
12 Allen, 421,  
424, 428, 434.

**XXV.** No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Legislature not  
to convict of  
treason, etc.

**XXVI.** No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Excessive bail or  
fines, and cruel  
punishments,  
prohibited.  
5 Gray, 432.

**XXVII.** In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

No soldier to be  
quartered in any  
house, unless,  
etc.

**XXVIII.** No person can in any case be subject to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Citizens exempt  
from law-mar-  
tial, unless, etc.

**XXIX.** It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

Judges of su-  
preme judicial  
court.  
3 Pick. 471.  
1 Gray, 472.  
4 Allen, 591.  
7 Allen, 385.  
105 Mass. 219,  
221, 225.  
Tenure of their  
office.

Salaries.

**XXX.** In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Separation of  
executive, judi-  
cial, and legis-  
lative depart-  
ments.  
2 Cush. 577.  
2 Allen, 361.  
8 Allen, 247, 253.  
100 Mass. 232,  
236.  
114 Mass. 247,  
249.  
116 Mass. 317.  
129 Mass. 559.

## PART THE SECOND.

*The Frame of Government.*

Title of body  
politic.

The people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic, or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

## CHAPTER I.

## THE LEGISLATIVE POWER.

## SECTION I.

*The General Court.*

Legislative  
department.

ARTICLE I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other.

For change of  
time, etc., see  
amendments,  
Art. X.

The legislative body shall assemble every year [on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May;] and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.  
99 Mass. 636.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated; who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve. But if after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases,

Bill may be  
passed by two-  
thirds of each  
house, notwith-  
standing.



the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes, and things, whatsoever, arising or happening within the commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same: whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon. To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws for the naming and settling, all civil officers within the said commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to

For exception in case of adjournment of the general court within the five days, see amendments, Art. I. 3 Mass. 567.

General court may constitute judicatories, courts of record, etc. 8 Gray, 1. 12 Gray, 147, 154.

Courts, etc., may administer oaths.

General court may enact laws, etc. 9 Gray, 426. 4 Allen, 473. 12 Allen, 223, 237. 100 Mass. 544, 557. 116 Mass. 467, 470.

may enact laws, etc., not repugnant to the constitution. 6 Allen, 353.

may provide for the election or appointment of officers. 115 Mass. 602.

may prescribe their duties.

may impose  
taxes, etc.

12 Mass. 252.

6 Allen, 428.

6 Allen, 658.

8 Allen, 247, 253.

10 Allen, 235.

11 Allen, 268.

12 Allen, 77, 223,

235, 238, 240, 298,

300, 312, 313, 500,

512.

98 Mass. 19.

100 Mass. 285.

101 Mass. 575,

585.

103 Mass. 267.

114 Mass. 388,

391.

116 Mass. 461.

118 Mass. 386,

389.

123 Mass. 493,

495.

127 Mass. 413.

may impose  
taxes, etc., to be

disposed of for  
defence, protec-

tion, etc.

8 Allen, 247, 256.

Valuation of

estates once in

ten years, at

least, while, etc.

8 Allen, 247.

126 Mass. 547.

this constitution; and to impose and levy proportiona and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying within the said commonwealth; and also to impose and levy reasonable duties and excises upon any produce goods, wares, merchandise, and commodities, whatsoever brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this commonwealth for the time being, with the advice and consent of the council for the public service, in the necessary defence and support of the government of the said commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

For the authority of the general court to charter cities, see amendments, Art. II.

## CHAPTER I.

### SECTION II.

#### *Senate.*

Senate, number  
of, and by whom  
elected.

Superseded by  
amendments,

Art. XIII.,

which was also

superseded by

amendments,

Art. XXII.

For provision as  
to councillors,  
see amend-  
ments, Art.  
XVI.

ARTICLE I. [There shall be annually elected, by the freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election; to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

teen; and that no district be so large as to entitle the same to choose more than six senators.

And the several counties in this commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for councillors and senators, viz. : — Suffolk, six ; Essex, six ; Middlesex, five ; Hampshire, four ; Plymouth, three ; Barnstable, one ; Bristol, three ; York, two ; Dukes County and Nantucket, one ; Worcester, five ; Cumberland, one ; Lincoln, one ; Berkshire, two.]

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the [first Monday in April,] annually, forever, of the inhabitants of each town in the several counties of this commonwealth; to be called by the selectmen, and warned in due course of law, at least seven days before the [first Monday in April,] for the purpose of electing persons to be senators and councillors; [and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word "inhabitant" in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this state, in that town, district, or plantation where he dwelleth, or hath his home.

The selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name: and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the commonwealth for the time being, with a superscription, expressing the purport

Counties to be districts, until, etc.

Manner and time of choosing senators and councillors. See amendments, Arts. X. and XV. As to cities, see amendments, Art. II. Provisions as to qualifications of voters, superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII. Word "inhabitant" defined. See also amendments, Art. XXIII., which was annulled by Art. XXVI. 12 Gray, 21. 122 Mass. 595, 597.

Selectmen to preside at town meetings.

Return of votes

As to cities, see amendments, Art. II.

Time changed  
to first Wednes-  
day of January.  
See amend-  
ments, Art. X.

Inhabitants of  
unincorporated  
plantations,  
who pay state  
taxes, may vote.

Plantation  
meetings.  
Time of elec-  
tion changed  
by amend-  
ments, Art. XV.  
Assessors to  
notify, etc.

Governor and  
council to ex-  
amine and count  
votes, and issue  
summonses.  
Time changed  
to first Wednes-  
day in January  
by amendments,  
Art. X.  
Majority  
changed to  
plurality by  
amendments,  
Art. XIV.

Senate to be  
final judge of  
elections, etc.,  
of its own mem-  
bers.

of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May] annually; or it shall be delivered into the secretary's office seventeen days at least before the said [last Wednesday in May:] and the sheriff of each county shall deliver all such certificates by him received, into the secretary's office, seventeen days before the said [last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held annually [on the same first Monday in April], at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators in the town where they shall be assessed, and be notified of the place of meeting by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by [a majority of] voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as

pointed out in the constitution; and shall, [on the said last Wednesday in May] annually, determine and declare who are elected by each district to be senators [by a majority of votes; and in case there shall not appear to be the full number of senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the state, or otherwise, shall be supplied as soon as may be, after such vacancies shall happen.]

Time changed to first Wednesday of January by amendments, Art. X. Majority changed to plurality by amendments, Art. XIV.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, [who is not seised in his own right of a freehold, within this commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Vacancies, how filled. Changed to election by people. See amendments, Art. XXIV.

VI. The senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

Qualifications of a senator. Property qualification abolished. See amendments, Art. XIII. For further provision as to residence, see also amendments, Art. XXII.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Senate not to adjourn more than two days.

VIII. The senate shall be a court with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place

shall choose its officers and establish its rules.

shall try all impeachments.

Oath.

Limitation of sentence.

of honor, trust, or profit, under this commonwealth ; but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

IX. [Not less than sixteen members of the senate shall constitute a quorum for doing business.]

Quorum.  
See amend-  
ments, Arts.  
XXII. and  
XXXIII.

## CHAPTER I.

### SECTION III.

#### *House of Representatives.*

Representation  
of the people.

ARTICLE I. There shall be, in the legislature of this commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representa-  
tives, by whom  
chosen.  
Superseded by  
amendments,  
Arts. XII. and  
XIII., which  
were also  
superseded by  
amendments,  
Art. XXI.  
7 Mass. 523.

II. [And in order to provide for a representation of the citizens of this commonwealth, founded upon the principle of equality, every corporate town containing one hundred and fifty ratable polls may elect one representative ; every corporate town containing three hundred and seventy-five ratable polls may elect two representatives ; every corporate town containing six hundred ratable polls may elect three representatives ; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Proviso as to  
towns having  
less than 150  
ratable polls.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative ; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Towns liable to  
fine in case, etc.

And the house of representatives shall have power from time to time to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expenses of  
travelling to  
and from the  
general court,  
how paid.  
Annulled by  
Art. XXXV.

[The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.]

Qualifications of  
a representa-  
tive.

III. Every member of the house of representatives shall be chosen by written votes ; [and, for one year at

least next preceding his election, shall have been an inhabitant of, and have been seised in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.]

IV. [Every male person, being twenty-one years of age, and resident in any particular town in this commonwealth for the space of one year next preceding, having a freehold estate within the said town of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

V. [The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.

VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX. [Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the

New provision as to residence. See amendments, Art. XXI.  
Property qualifications abolished by amendments, Art. XIII.

Qualifications of a voter. These provisions superseded by amendments, Arts. III., XX., XXVIII., XXX., XXXI. and XXXII.  
See also amendments, Art. XXIII., which was annulled by Art. XXVI.  
Representatives, when chosen.

House alone can impeach.

House to originate all money bills.

Not to adjourn more than two days.

Quorum. See amendments, Arts. XXI. and XXXIII.

To judge of returns, etc., of its own members; to choose its officers and establish its rules, etc.

May punish for certain offences.  
14 Gray, 226.

house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

Privileges of members.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending the general assembly.

Senate.  
Governor and council may punish.  
General limitation.  
14 Gray, 226.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Trial may be by committee, or otherwise.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

## CHAPTER II.

### EXECUTIVE POWER.

#### SECTION I.

##### *Governor.*

Governor.

ARTICLE I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCELLENCY.

His title.  
To be chosen annually.  
Qualifications.  
[See amendments, Arts. VII. and XXXIV.]

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this commonwealth for seven years next preceding; [and unless he shall at the same time be seised, in his own right, of a freehold, within the commonwealth, of the value of one thousand pounds;] [and unless he shall declare himself to be of the Christian religion.]

By whom chosen, if he have a majority of votes.

III. Those persons who shall be qualified to vote for senators and representatives within the several towns of this commonwealth shall, at a meeting to be called for that purpose, on the [first Monday of April] annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall,

Time of election changed by amendments, Art. X., and changed again by amendments, Art. XV.



in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the [last Wednesday in May]; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said [last Wednesday in May]; or the selectmen may cause returns of the same to be made to the office of the secretary of the commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives on the [last Wednesday in May], to be by them examined; and [in case of an election by a majority of all the votes returned], the choice shall be by them declared and published; [but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which the senate shall proceed, by ballot, to elect one, who shall be declared governor.]

As to cities, see amendments, Art. II.

Time changed to first Wednesday of January by amendments, Art. X.

Changed to plurality by amendments, Art. XIV. How chosen, when no person has a majority.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this commonwealth for the time being; and the governor with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, agreeably to the constitution and the laws of the land.

Power of governor, and of governor and council.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; [and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said

May adjourn or prorogue the general court upon request, and convene the same. As to dissolution, see amendments, Art. X.

court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other, the most convenient place within the state.

As to dissolution, see amendments, Art. X. Governor and council may adjourn the general court in cases, etc., but not exceeding ninety days.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the state, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise, and govern the militia and navy; and, for the special defence and safety of the commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them to encounter, repel, resist, expel, and pursue, by force of arms, as well by sea as by land, within or without the limits of this commonwealth, and also to kill, slay, and destroy, if necessary, and conquer, by all fitting ways, enterprises, and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprize the destruction, invasion, detriment, or annoyance of this commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law-martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition, and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access. Limitation.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned. Governor and council may pardon offences, except, etc.  
  
But not before conviction.  
109 Mass. 323.

IX. All judicial officers, [the attorney-general,] the solicitor-general, [all sheriffs,] coroners, [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment. Judicial officers, etc., how nominated and appointed.  
For provisions as to election of attorney-general, see amendments, Art. XVII.

*For provision as to election of sheriffs, registers of probate, etc., see amendments, Art. XIII. For provision as to appointment of notaries public, see amendments, Art. IV.*

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, [of twenty-one years of age and upwards;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank. Militia officers, how elected  
Limitation of age struck out by amendments, Art. V.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor, the officers elected. How commissioned.  
  
Election of officers.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor. Major-generals, how appointed and commissioned.

*For provisions as to appointment of a commissary-general, see amendments, Art. IV.*

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elec- Vacancies, how filled, in case, etc.

tions, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly commissioned, how removed. Superseded by amendments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the commonwealth for the time being.]

Adjutants, etc., how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general.

Army officers, how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this commonwealth shall appoint, as also all officers of forts and garrisons.

Organization of militia.

The divisions of the militia into brigades, regiments, and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this commonwealth, until the same shall be altered in pursuance of some future law.

Money, how drawn from the treasury, except, etc. 13 Allen, 593.

XI. No moneys shall be issued out of the treasury of this commonwealth, and disposed of (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the commonwealth; and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

All public boards, etc., to make quarterly returns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this commonwealth, and all commanding officers of forts and garrisons within the same, shall once in every three months, officially, and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall ex-

hibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court by a dependence on them for his support, that he should in all cases act with freedom for the benefit of the public, that he should not have his attention necessarily diverted from that object to his private concerns, and that he should maintain the dignity of the commonwealth in the character of its chief magistrate, it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged if insufficient.

## CHAPTER II.

### SECTION II.

#### *Lieutenant-Governor.*

ARTICLE I. There shall be annually elected a lieutenant-governor of the commonwealth of Massachusetts, whose title shall be—His HONOR; and who shall be qualified, in point of [religion,][property,] and residence in the commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of repre-

Lieutenant-governor; his title and qualifications. See amendments, Arts. VII. and XXXIV.

How chosen.

Election by plurality pro-

vided for by  
amendments,  
Art. XIV.

President of  
council.  
Lieutenant-  
governor a  
member of,  
except, etc.

Lieutenant-  
governor to be  
acting governor,  
in case, etc.

representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.

## CHAPTER II.

### SECTION III.

#### *Council, and the Manner of settling Elections by the Legislature.*

Council.  
Number of  
councillors  
changed to  
eight.  
See amend-  
ments, Art.  
XVI.

ARTICLE I. There shall be a council for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the commonwealth, according to the laws of the land.

Number; from  
whom, and how  
chosen.  
Modified by  
amendments,  
Arts. X and  
XIII.  
Superseded by  
amendments,  
Art. XVI.

II. [Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

If senators be-  
come council-  
lors, their seats  
to be vacated.

III. The councillors, in the civil arrangements of the commonwealth, shall have rank next after the lieutenant-governor.

Rank of  
councillors.

IV. [Not more than two councillors shall be chosen out of any one district of this commonwealth.]

No district to  
have more than  
two.

Superseded by amendments, Art. XVI.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of  
council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority to do, and execute, all and every such acts, matters, and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power  
of governor in  
case, etc.

VII. [And whereas the elections appointed to be made, by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may  
be adjourned  
until, etc.

Order thereof.  
Superseded by  
amendments,  
Arts. XVI. and  
XXV.

## CHAPTER II.

### SECTION IV.

#### *Secretary, Treasurer, Commissary, etc.*

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible

Secretary, etc.,  
by whom and  
how chosen.  
For provision as  
to election of  
secretary, treasurer,  
and receiver-general,  
and auditor and  
attorney-general,  
see amendments, Art.  
XVII.

Treasurer ineligible for more than five successive years.

Secretary to keep records; to attend the governor and council, etc.

as treasurer and receiver-general more than five years successively.

For provision as to appointment of notaries public and the commissary-general, see amendments, Art. IV.

II. The records of the commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

## CHAPTER III.

### JUDICIARY POWER.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, etc. But may be removed on address.

Justices of supreme judicial court to give opinions when required. 122 Mass. 600. 126 Mass. 557, 561.

Justices of the peace; tenure of their office. 3 Cush. 584.

Provisions for holding probate courts. 12 Gray, 147.

ARTICLE I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned, and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well-being of the commonwealth.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.



V. All causes of marriage, divorce, and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Marriage, divorce, and alimony.  
Other provisions made by law.  
105 Mass. 827.  
116 Mass. 817.

## CHAPTER IV.

### DELEGATES TO CONGRESS.

[The delegates of this commonwealth to the congress of the United States, shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives, assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.]

Delegates to congress.

## CHAPTER V.

### THE UNIVERSITY AT CAMBRIDGE AND ENCOURAGEMENT OF LITERATURE, ETC.

#### SECTION I.

##### *The University.*

ARTICLE I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America, —it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise, and enjoy, all the powers, authorities, rights, liberties, privileges, immunities, and franchises, which they now have, or are entitled to

Harvard College.

Powers, privileges, etc., of the president and fellows, confirmed.

have, hold, use, exercise, and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

II. And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies, and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college by some other description, under several charters, successively; it is declared, that **All gifts, grants, etc., confirmed.** all the said gifts, grants, devises, legacies, and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council, and senate of this commonwealth, are, and shall be deemed, their successors, who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the overseers of Harvard College; **Who shall be overseers.** **See Statutes, 1851, 224. 1852, 27. 1859, 212. 1865, 173. 1880, 65.** provided, that nothing herein shall be construed to prevent the legislature of this commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay. **Power of alteration reserved to the legislature.**

## CHAPTER V.

## SECTION II.

*The Encouragement of Literature, etc.*

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

Duty of legislatures and magistrates in all future periods. For further provisions as to public schools, see amendments, Art. XVIII. 12 Allen, 500-503. 103 Mass. 94, 97

## CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, ETC.

ARTICLE I. [Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

"I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the pres-

Oaths, etc.

Abolished. See amendments, Art. VII.

ence of the two houses of assembly ; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution ; and forever afterwards before the governor and council for the time being.]

Declaration and oaths of all officers.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz. :

For new oath of allegiance, see amendments, Art. VI.

[“ I, A. B., do truly and sincerely acknowledge, profess, testify, and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign, and independent state ; and I do swear, that I will bear true faith and allegiance to the said commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever ; and that I do renounce and abjure all allegiance, subjection, and obedience to the king, queen, or government of Great Britain (as the case may be), and every other foreign power whatsoever ; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical, or spiritual, within this commonwealth, except the authority and power which is or may be vested by their constituents in the congress of the United States : and I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation ; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation, and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God.”]

Oath of office.

“ I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution and the laws of the commonwealth. So help me, God.”

Proviso. See amendments, Art. VI.

Provided, always, that when any person chosen or appointed as aforesaid, shall be of the denomination of th

people called Quakers, and shall decline taking the said oath[s], he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, [*"I do swear," "and abjure," "oath or," "and abjuration,"* in the first oath, and in the second oath, the words] *"swear and,"* and [in each of them] the words *"So help me, God;"* subjoining instead thereof, *"This I do under the pains and penalties of perjury."*

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the legislature.

Oaths and affirmations, how administered.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the state; nor shall they hold any other place or office, or receive any pension or salary from any other state or government or power whatever.

Plurality of offices prohibited to governor, etc., except, etc. See amendments, Art. VIII.

No person shall be capable of holding or exercising at the same time, within this state, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the state at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Same subject. 1 Allen, 553.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—[president, professor, or instructor of Harvard College]—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the

Incompatible offices. For further provisions as to incompatible offices, see amendments, Art. VIII. Officers of Harvard College excepted by amendments, Art. XXVII.

same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Incompatible  
offices.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, etc.,  
disqualify.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

Value of money  
ascertained.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the commonwealth shall require.

Property qual-  
ifications may  
be increased.  
See amend-  
ments, Arts.  
XIII. and  
XXXIV.

Provisions  
respecting  
commissions.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor and attested by the secretary or his deputy, and have the great seal of the commonwealth affixed thereto.

Provisions re-  
specting writs.  
2 Pick. 592.  
3 Met. 58.  
13 Gray, 74.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts ; they shall be under the seal of the court from whence they issue ; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

Continuation of  
former laws,  
except, etc.  
1 Mass. 59.  
2 Mass. 534.  
8 Pick. 309, 316.  
16 Pick. 107, 116.  
2 Met. 118.

VI. All the laws which have heretofore been adopted, used, and approved in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature ; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

Benefit of  
*habeas corpus*  
secured, except,  
etc.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this commonwealth, in the most free, easy, cheap, expeditious, and ample manner ; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

VIII. The enacting style, in making and passing all acts, statutes, and laws, shall be — “ Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same.”

The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the commonwealth from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise, and enjoy, all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies, and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments, and authority; until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers, and authority.

Officers of former government continued until, etc.

X. [In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Provision for revising constitution. For existing provision as to amendments, see amendments, Art. IX

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the state, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns to elect delegates to meet in convention for the purpose aforesaid.

Provision for revising constitution.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for  
preserving and  
publishing this  
constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this commonwealth, in all future editions of the said laws.

## ARTICLES OF AMENDMENT.

Bill, etc., not  
approved within  
five days, not to  
become a law,  
if legislature  
adjourn in the  
mean time.  
3 Mass. 567.  
See Const., Ch.  
I., § 1, Art. II.

ARTICLE I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

General court  
empowered to  
charter cities.  
122 Mass. 354.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this commonwealth, and to grant to the inhabitants thereof such powers, privileges, and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants, in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings. Provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants, nor unless it be with the consent, and on the application of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose. And provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

Proviso.  
112 Mass. 200.

Qualifications of  
voters for gov-  
ernor, lieuten-  
ant-governor,  
senators and  
representatives.  
See amend-  
ments, Arts.  
XXX. and  
XXXII.  
11 Pick. 538, 540.  
14 Pick. 341.  
14 Mass. 867.  
5 Met. 162, 298,  
591, 594.  
7 Gray, 299.  
122 Mass. 595, 597.  
124 Mass. 596.

ART. III. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the town or district in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, [and who shall have paid, by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding



such election, have been assessed upon him, in any town or district of this commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned,] shall have a right to vote in such election of governor, lieutenant-governor, senators, and representatives; and no other person shall be entitled to vote in such elections.

*See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.*

ART. IV. Notaries public shall be appointed by the governor in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

[In case the office of secretary or treasurer of the commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Whenever the exigencies of the commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed, and commissioned, in such manner as the legislature may, by law, prescribe.

All officers commissioned to command in the militia may be removed from office in such manner as the legislature may, by law, prescribe.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

*Provided*, That when any person shall be of the denomination called Quakers, and shall decline taking said oath,

For educational qualification, see amendments, Art. XX. For provision as to those who have served in the army or navy in time of war, see amendments, Arts. XXVIII. and XXXI.

Notaries public, how appointed and removed.

Vacancies in the offices of secretary and treasurer, how filled. This clause superseded by amendments, Art. XVII.

Commissary-general may be appointed, in case, etc.

Militia officers, how removed.

Who may vote for captains and subalterns.

Oath to be taken by all officers. See Const., Ch. VI., Art. I.

Proviso. Quakers may affirm.

he shall make his affirmation in the foregoing form, omitting the word "swear" and inserting, instead thereof, the word "affirm," and omitting the words "So help me, God," and subjoining, instead thereof, the words, "This I do under the pains and penalties of perjury."

Tests abolished.

ART. VII. No oath, declaration, or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators, or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility of offices.

122 Mass. 445,

600.

123 Mass. 535.

ART. VIII. No judge of any court of this commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this commonwealth; and no judge of any court in this commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county attorney, clerk of any court, sheriff, treasurer, and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this commonwealth, the office of justice of the peace and militia offices excepted.

Amendments to constitution, how made.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the quali-

ried voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this commonwealth.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead. Commencement of political year, and termination.

[The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.] Meetings for the choice of governor, lieutenant-governor, etc., when to be held. This clause superseded by amendments, Art. XV.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first Article, when to go into operation.

election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established. See Dec. of Rights, Art. III.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted : —

“ As the public worship of God and instructions in piety, religion, and morality, promote the happiness and prosperity of a people, and the security of a republican government ; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses ; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice, declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made, or entered into by such society ; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law ; and no subordination of any one sect or denomination to another shall ever be established by law.”

122 Mass. 40, 41.

Census of ratable polls to be taken in 1837, and decennially thereafter. This article was superseded by amendments, Art. XIII., which was also superseded by amendments, Art. XXI. Representatives, how apportioned.

ART. XII. [In order to provide for a representation of the citizens of this commonwealth, founded upon the principles of equality, a census of the ratable polls, in each city, town, and district of the commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid ; and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred

and fifty ratable polls in addition to the first three hundred, one representative more.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district to continue until the next decennial census of polls, for the election of a representative, or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

Towns may unite into representative districts.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives, which each city, town, and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town, and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years, thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives, which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

by each city, town, or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

Inconsistent provisions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation.

Provisions as to census superseded by amendments, Arts. XXI. and XXII.

Senatorial districts declared permanent.

Provisions as to senators superseded by amendments, Art. XXII.

ART. XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken, and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

122 Mass. 595.

The several senatorial districts now existing shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

House of representatives, how apportioned. Provisions as to representatives superseded by amendments, Art. XXI.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Small towns, how represented.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times within ten years as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the commonwealth shall be settled.

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number which shall entitle a town or city to elect more than one, and also the number by which the population of towns not entitled to a representative every year is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basls of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town, and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation, or otherwise. No person shall be elected a councillor, who has not been an inhabitant of this commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the commonwealth.]

Councillors to be chosen from the people at large. Provisions as to councillors superseded by amendments, Art. XVI.

Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification for a seat in general court or council not required.

ART. XIV. In all elections of civil officers by the people of this commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

Eight councillors to be chosen by the people. 122 Mass. 595, 598.

Legislature to divide state into districts.

Eligibility defined.

Day and manner of election, etc.

Vacancies, how filled. For new provision as to vacancies, see amendments, XXV.

Organization of the government.

**ART. XVI.** Eight councillors shall be annually chosen by the inhabitants of this commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next state census shall have been taken, and at its first session after each decennial state census thereafterwards, shall divide the commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor : *provided, however*, that if, at any time, the constitution shall provide for the division of the commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. [Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate ; and vacancies occasioned by death, removal from the state, or otherwise, shall be filled in like manner, as soon as may be, after such vacancies shall have happened.] And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors ; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly ; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined ; and in case of the election of either of said officers, the choice shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the



manner provided in the constitution for the choice of such officers.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this commonwealth five years next preceding his election or appointment.

Election of secretary, treasurer, auditor, and attorney-general by the people.

Vacancies, how filled.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the state for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintend-

School moneys not to be applied for sectarian schools. For original provision as to schools, see constitution, Part First, Art. III.

12 Allen, 500,  
508.  
103 Mass. 94, 96.

Legislature to  
prescribe for  
the election of  
sheriffs, regis-  
ters of probate,  
etc.  
See amend-  
ments.  
Art. XXXVI.  
8 Gray, 1.  
18 Gray, 74.

Reading consti-  
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necessary quali-  
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Proviso.  
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fications, see  
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Art. III.  
See also amend-  
ments, Art.  
XXIII., which  
was annulled by  
amendments,  
Art. XXVI.

Census of legal  
voters and of  
inhabitants,  
when taken, etc.  
See P. S. c. 31.

House of repre-  
sentatives to  
consist of 240  
members.  
Legislature to  
apportion, etc.  
10 Gray, 618.

ence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, [commissioners of insolvency,] and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

110 Mass. 172, 173.

117 Mass. 602, 603.

121 Mass. 65.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city, said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth;

and it shall be the duty of the secretary of the commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, — or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, — shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. [Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth, on or before the last day of June, in the year one

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August. Proceedings.

Qualifications of representatives. 122 Mass. 595, 598.

Districts to be numbered, described and certified.

Quorum, see amendments, Art. XXXIII.

Census, etc. See P. S. c. 31.

Voters to be  
basis of appor-  
tionment of  
senators.

Senate to consist  
of forty mem-  
bers.

Senatorial  
districts, etc.

See amend-  
ments, Art.  
XXIV.

Qualifications  
of senators.

Quorum, see  
amendments,  
Art. XXXIII.

Residence of  
two years re-  
quired of natu-  
ralized citizens,  
to entitle to suf-  
frage or make  
eligible to office.  
This article  
annulled by  
Art. XXVI.

Vacancies in the  
senate.

Vacancies in the  
council.

thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this commonwealth five years at least immediately preceding his election, and at the time of his election shall be an inhabitant of the district for which he is chosen; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the commonwealth. [Not less than sixteen senators shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.]

ART. XXIII. [No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and, *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house

of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this commonwealth, which is as follows, to wit: "No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this commonwealth: *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof; and *provided, further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

Twenty-third article of amendments annulled

ART. XXVII. So much of article two of chapter six of the constitution of this commonwealth as relates to persons holding the office of president, professor, or instructor of Harvard College, is hereby annulled.

Provisions of Art. II., Chap. VI., relating to officers of Harvard College, annulled.

ART. XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of being a pauper; or, if a pauper, because of the non-payment of a poll-tax.

Superseded by Art. XXXI.

ART. XXIX. The general court shall have full power and authority to provide for the inhabitants of the towns in this Commonwealth more than one place of public meeting within the limits of each town for the election of officers under the constitution, and to prescribe the manner of calling, holding and conducting such meetings. All the provisions of the existing constitution inconsistent with the provisions herein contained are hereby annulled.

Voting precincts in towns.

ART. XXX. No person, otherwise qualified to vote in elections for governor, lieutenant-governor, senators, and representatives, shall, by reason of a change of residence within the Commonwealth, be disqualified from voting for said officers in the city or town from which he has removed his residence, until the expiration of six calendar months from the time of such removal.

Voters not disqualified by reason of change of residence until six months from time of removal.

Amendments,  
Art. XXVIII.  
amended.

ART. XXXI. Article twenty-eight of the Amendment of the Constitution is hereby amended by striking out in the fourth line thereof the words "being a pauper", and inserting in place thereof the words: — receiving or having received aid from any city or town, — and also by striking out in said fourth line the words "if a pauper", so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

Person who  
served in army  
or navy, etc.,  
not disqualified  
from voting for  
non-payment of  
poll tax.

Provisions of  
amendments,  
Art. III. relative  
to payment of a  
tax as a voting  
qualification,  
annulled.

ART. XXXII. So much of article three of the Amendments of the Constitution of the Commonwealth as is contained in the following words: "and who shall have paid by himself, or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also every citizen who shall be, by law, exempted from taxation, and who shall be, in all other respects, qualified as above mentioned", is hereby annulled.

Quorum, in each  
branch of the  
general court,  
to consist of a  
majority of  
members.

ART. XXXIII. A majority of the members of each branch of the general court shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day, and compel the attendance of absent members. All the provisions of the existing Constitution inconsistent with the provisions herein contained are hereby annulled.

Provisions of  
Art. II., § I.,  
Chap. II., Part  
II., relative to  
property qual-  
ification of  
governor,  
annulled.

ART. XXXIV. So much of article two of section one of chapter two of part the second of the Constitution of the Commonwealth as is contained in the following words "and unless he shall at the same time, be seized in his own right, of a freehold within the Commonwealth of the value of one thousand pounds;" is hereby annulled.

Provisions of  
Art. II., § III.,  
Chap. I., rela-  
tive to expense  
of travelling to  
the general  
assembly by  
members of the  
house, annulled.

ART. XXXV. So much of article two of section three of chapter one of the Constitution of the Commonwealth as is contained in the following words: "The expenses of travelling to the general assembly, and returning home once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.", is hereby annulled.

ART. XXXVI. So much of article nineteen of the articles of amendment to the Constitution of the Commonwealth as is contained in the following words "commissioners of insolvency", is hereby annulled.

The constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the mean time the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them ratified and adopted, April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, respectively, and was approved and ratified by the people November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, respectively, and was approved and ratified by the people the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, respectively, and was approved and ratified by the people the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, respectively, and ratified by the people the twenty-third day of May, 1855.

The twentieth, twenty-first, and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, respectively, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, respectively, and ratified by the people

## CONSTITUTION OF MASSACHUSETTS.

on the ninth day of May, 1859, and was repealed by the twenty-six Amendment.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

The twenty-seventh Article was adopted by the legislatures of the political years 1876 and 1877, and was approved and ratified by the people on the sixth day of November, 1877.

The twenty-eighth Article was adopted by the legislatures of the political years 1880 and 1881, and was approved and ratified by the people on the eighth day of November, 1881.

The twenty-ninth Article was adopted by the legislatures of the political years 1884 and 1885, and was approved and ratified by the people on the third day of November, 1885.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

The thirty-fourth Article was adopted by the legislatures of the political years 1891 and 1892, and was approved and ratified by the people on the eighth day of November, 1892.

The thirty-fifth Article was adopted by the legislatures of the political years 1892 and 1893, and was approved and ratified by the people on the seventh day of November, 1893.

The thirty-sixth Article was adopted by the legislatures of the political years 1893 and 1894, and was approved and ratified by the people on the sixth day of November, 1894.

[A proposed Article of Amendment, prohibiting the manufacture and sale of Intoxicating Liquor as a beverage, adopted by the legislatures of the political years 1888 and 1889, was rejected by the people on the twenty-second day of April, 1889.]

[Proposed Articles of Amendment, (1) Establishing biennial elections of state officers, and (2) Establishing biennial elections of members of the General Court, adopted by the legislatures of the political years 1895 and 1896, were rejected by the people at the annual election held on the third day of November, 1896.]



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ACTS AND RESOLVES  
OF  
MASSACHUSETTS.

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1897.

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¶ The General Court of the year eighteen hundred and ninety-seven assembled on Wednesday, the sixth day of January. The oaths of office were taken and subscribed by His Excellency ROGER WOLCOTT and His Honor W. MURRAY CRANE on Thursday, the seventh day of January, in the presence of the two Houses assembled in convention.

# ACTS.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND TRAVEL OF THE MEMBERS OF THE LEGISLATURE, FOR THE COMPENSATION OF OFFICERS THEREOF, AND FOR EXPENSES IN CONNECTION THEREWITH.

Chap. 1.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:—

For the compensation of senators, thirty thousand seven hundred and fifty dollars. Appropriations.  
Senators, compensation.

For travelling expenses of senators, a sum not exceeding thirty-two hundred dollars. Travelling expenses.

For the compensation of representatives, one hundred and eighty thousand seven hundred and fifty dollars. Representatives, compensation.

For travelling expenses of representatives, a sum not exceeding twenty thousand dollars. Travelling expenses.

For the compensation of the chaplains of the senate and house of representatives, three hundred dollars each. Chaplains.

For the salaries of the clerks of the senate and house of representatives, three thousand dollars each. Senate and house clerks.

For the salaries of the assistant clerks of the senate and house of representatives, two thousand dollars each. Assistant clerks.

For such additional clerical assistance for the clerks of the senate and house of representatives as may be necessary for the proper despatch of public business, a sum not exceeding three thousand dollars. Clerical assistance.

For the salary of the sergeant-at-arms, thirty-five hundred dollars. Sergeant-at-arms.

For the salary of the first clerk in the office of the sergeant-at-arms, twenty-two hundred dollars. First clerk.

Doorkeepers.	For the salaries of the doorkeepers of the senate and house of representatives, fifteen hundred dollars each.
Postmaster, messengers, etc.	For the compensation of the assistant doorkeepers, postmaster, messengers and pages to the senate and house of representatives, a sum not exceeding thirty-one thousand five hundred dollars.
Senate stationery.	For stationery for the senate, purchased by the clerk, a sum not exceeding nine hundred dollars.
House stationery.	For stationery for the house of representatives, purchased by the clerk, a sum not exceeding fifteen hundred dollars.
Printing and binding, senate and house.	For printing and binding ordered by the senate and house of representatives, or by concurrent order of the two branches, a sum not exceeding thirty thousand dollars.
Manual.	For printing and binding the manual of the general court, under the direction of the clerks of the senate and house of representatives, a sum not exceeding three thousand dollars.
Sergeant-at-arms, stationery, etc.	For books, stationery, postage, printing and advertising, ordered by the sergeant-at-arms, a sum not exceeding one thousand dollars.
Senate and house, contingent expenses, etc.	For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, a sum not exceeding seven thousand dollars.
Expenses of committees.	For authorized expenses of committees of the present legislature, to include clerical assistance to committees authorized to employ the same, also expenses in connection with committee advertising, a sum not exceeding twenty-five thousand dollars.
Witness fees, etc.	For expenses of summoning witnesses before committees, and for fees for such witnesses, a sum not exceeding two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved January 20, 1897.*

**Chap. 2.** AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND NINETY-SIX.

*Be it enacted, etc., as follows :*

**Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment

of certain expenses in excess of the appropriations there-  
for in the year eighteen hundred and ninety-six, to  
wit : —

For the care and maintenance of indigent and neglected  
children, the sum of two thousand twenty-six dollars and  
twenty-nine cents. Indigent and  
neglected chil-  
dren.

For the support and transportation of unsettled pauper  
infants in this Commonwealth, the sum of three thousand  
four hundred eighteen dollars and twenty-six cents. Unsettled  
pauper infants.

SECTION 2. This act shall take effect upon its passage.

*Approved January 23, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN  
THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH.

*Chap. 3.*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.  
propriated, to be paid out of the treasury of the Com-  
monwealth from the ordinary revenue, for the purposes  
specified, to meet expenses for the year ending on the  
thirty-first day of December in the year eighteen hundred  
and ninety-seven, to wit : —

For the compensation of the lieutenant governor, two Lieutenant gov-  
ernor and  
council, com-  
pensation.  
thousand dollars ; and for the executive council, sixty-  
four hundred dollars.

For travelling expenses of the executive council, a sum Travelling  
expenses.  
not exceeding fifteen hundred dollars.

For the salary of the private secretary of the governor, Private secre-  
tary.  
twenty-five hundred dollars.

For the salary of the executive clerk, two thousand Executive clerk.  
dollars.

For the salary of the executive stenographer, a sum Stenographer.  
not exceeding one thousand dollars.

For the salary of the executive messenger, twelve hun- Messenger.  
dred dollars.

For contingent expenses of the executive department, Executive  
department,  
expenses.  
the sum of three thousand dollars.

For postage, printing and stationery for the execu- Postage, print-  
ing, etc.  
tive department, a sum not exceeding eight hundred  
dollars.

For travelling and contingent expenses of the gov- Governor and  
council, ex-  
penses.  
ernor and council, a sum not exceeding twenty-five hun-  
dred dollars.

For postage, printing and stationery for the executive Postage, print-  
ing, etc.  
council, a sum not exceeding five hundred dollars.

Extraordinary expenses.

For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding fifteen thousand dollars.

Indexes, etc., to statutes.

For the preparation of tables and indexes relating to the statutes of the present and previous years, under the direction of the governor, a sum not exceeding five hundred dollars.

Arrest of fugitives from justice.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 4.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE JUDICIAL DEPARTMENT OF THE COMMONWEALTH.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit :—

SUPREME JUDICIAL COURT.

Supreme judicial court, chief justice.

For travelling expenses of the chief justice of the supreme judicial court, five hundred dollars.

Associate justices.

For travelling expenses of the six associate justices of the supreme judicial court, three thousand dollars.

Clerk.

For the salary of the clerk of the supreme judicial court, three thousand dollars.

Clerical assistance to clerk.

For clerical assistance to the clerk of the supreme judicial court, five hundred dollars.

Clerical assistance to justices.

For clerical assistance to the justices of the supreme judicial court, a sum not exceeding twenty-five hundred dollars.

Expenses.

For expenses of the supreme judicial court, a sum not exceeding two thousand dollars.

Reporter of decisions.

For the salary of the reporter of decisions of the supreme judicial court, four thousand dollars ; and for clerk hire and incidental expenses of said reporter, a sum not exceeding two thousand dollars.

Officers and messenger.

For the salaries of the officers and messenger of the supreme judicial court, twenty-four hundred dollars.

Clerk for Suffolk.

For the salary of the clerk of the supreme judicial court for the county of Suffolk, fifteen hundred dollars.



SUPERIOR COURT.

For the salary and travelling expenses of the chief justice of the superior court, sixty-five hundred dollars. Superior court, chief justice.

For the salaries and travelling expenses of the seventeen associate justices of the superior court, one hundred and two thousand dollars. Associate justices.

COURTS OF PROBATE AND INSOLVENCY.

For the salaries of the two judges of probate and insolvency for the county of Suffolk, five thousand dollars each. Probate and insolvency judges, Suffolk.

For the salary of the senior judge of probate and insolvency for the county of Middlesex, forty-five hundred dollars; and for the salary of the junior judge of probate and insolvency for said county, four thousand dollars. Middlesex.

For the salary of the judge of probate and insolvency for the county of Worcester, thirty-five hundred dollars. Worcester.

For the salary of the judge of probate and insolvency for the county of Essex, thirty-seven hundred dollars. Essex.

For the salary of the judge of probate and insolvency for the county of Norfolk, twenty-eight hundred dollars. Norfolk.

For the salary of the judge of probate and insolvency for the county of Bristol, three thousand dollars. Bristol.

For the salary of the judge of probate and insolvency for the county of Plymouth, two thousand dollars. Plymouth.

For the salary of the judge of probate and insolvency for the county of Berkshire, eighteen hundred dollars. Berkshire.

For the salary of the judge of probate and insolvency for the county of Hampden, three thousand dollars. Hampden.

For the salary of the judge of probate and insolvency for the county of Hampshire, sixteen hundred dollars. Hampshire.

For the salary of the judge of probate and insolvency for the county of Franklin, fifteen hundred dollars. Franklin.

For the salary of the judge of probate and insolvency for the county of Barnstable, thirteen hundred dollars. Barnstable.

For the salary of the judge of probate and insolvency for the county of Nantucket, seven hundred dollars. Nantucket.

For the salary of the judge of probate and insolvency for the county of Dukes, seven hundred dollars. Dukes.

For the compensation of judges of probate and insolvency, acting in other counties, a sum not exceeding three thousand dollars. Acting in other counties.

**Register,  
Suffolk.**

For the salary of the register of probate and insolvency for the county of Suffolk, five thousand dollars.

**Middlesex.**

For the salary of the register of probate and insolvency for the county of Middlesex, four thousand dollars.

**Essex.**

For the salary of the register of probate and insolvency for the county of Essex, thirty-three hundred dollars.

**Worcester.**

For the salary of the register of probate and insolvency for the county of Worcester, three thousand dollars.

**Norfolk.**

For the salary of the register of probate and insolvency for the county of Norfolk, twenty-three hundred dollars.

**Bristol.**

For the salary of the register of probate and insolvency for the county of Bristol, twenty-five hundred dollars.

**Plymouth.**

For the salary of the register of probate and insolvency for the county of Plymouth, eighteen hundred dollars.

**Hampshire.**

For the salary of the register of probate and insolvency for the county of Hampshire, sixteen hundred dollars.

**Hampden.**

For the salary of the register of probate and insolvency for the county of Hampden, twenty-five hundred dollars.

**Berkshire.**

For the salary of the register of probate and insolvency for the county of Berkshire, eighteen hundred dollars.

**Franklin.**

For the salary of the register of probate and insolvency for the county of Franklin, fifteen hundred dollars.

**Barnstable.**

For the salary of the register of probate and insolvency for the county of Barnstable, thirteen hundred dollars.

**Nantucket.**

For the salary of the register of probate and insolvency for the county of Nantucket, seven hundred dollars.

**Dukes.**

For the salary of the register of probate and insolvency for the county of Dukes County, seven hundred dollars.

**Assistant reg-  
ister, Suffolk.**

For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-eight hundred dollars.

**Middlesex.**

For the salary of the assistant register of probate and insolvency for the county of Middlesex, two thousand dollars.

For the salary of the assistant register of probate and insolvency for the county of Worcester, eighteen hundred dollars. Worcester.

For the salary of the assistant register of probate and insolvency for the county of Essex, eighteen hundred dollars. Essex.

For the salary of the assistant register of probate and insolvency for the county of Norfolk, twelve hundred dollars. Norfolk.

For the salary of the assistant register of probate and insolvency for the county of Franklin, five hundred dollars. Franklin.

For the salary of the clerk of the register of probate and insolvency for the county of Suffolk, twelve hundred dollars. Clerk, Suffolk.

For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, a sum not exceeding thirty-three hundred dollars. Clerical assistance, Suffolk.

For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding thirty-five hundred dollars. Middlesex.

For extra clerical assistance to the register of probate and insolvency for the county of Hampden, a sum not exceeding six hundred dollars. Hampden.

For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding twenty-five hundred dollars. Essex.

For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding four hundred dollars. Bristol.

For extra clerical assistance to the register of probate and insolvency for the county of Worcester, a sum not exceeding twenty-three hundred and fifty dollars. Worcester.

For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, a sum not exceeding five hundred dollars. Plymouth.

For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, excepting Franklin and Suffolk counties, a sum not exceeding eighty-five hundred dollars. In the several counties except Franklin and Suffolk.

For expenses of courts of probate and insolvency, a sum not exceeding twenty-five hundred dollars. Expenses.

## DISTRICT ATTORNEYS.

District attorney, Suffolk.	For the salary of the district attorney for Suffolk district, five thousand dollars.
First assistant.	For the salary of the first assistant district attorney for Suffolk district, thirty-three hundred dollars.
Second assistant.	For the salary of the second assistant district attorney for Suffolk district, twenty-five hundred dollars.
Clerk.	For the salary of the clerk of the district attorney for Suffolk district, eighteen hundred dollars.
District attorney, northern district.	For the salary of the district attorney for the northern district, twenty-four hundred dollars.
Assistant.	For the salary of the assistant district attorney for the northern district, fifteen hundred dollars.
Eastern district.	For the salary of the district attorney for the eastern district, twenty-four hundred dollars.
Assistant.	For the salary of the assistant district attorney for the eastern district, twelve hundred dollars.
Southeastern district.	For the salary of the district attorney for the southeastern district, twenty-one hundred dollars.
Assistant.	For the salary of the assistant district attorney for the southeastern district, twelve hundred dollars.
Southern district.	For the salary of the district attorney for the southern district, twenty-two hundred dollars.
Middle district.	For the salary of the district attorney for the middle district, twenty-four hundred dollars.
Assistant.	For the salary of the assistant district attorney for the middle district, twelve hundred dollars.
Western district.	For the salary of the district attorney for the western district, twenty-one hundred dollars.
Northwestern district.	For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 5.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TREASURER AND RECEIVER GENERAL.

*Be it enacted, etc., as follows:*

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the

thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

For the salary of the treasurer and receiver general of the Commonwealth, five thousand dollars. Treasurer, compensation.

For the salary of the first clerk in the treasurer's department, twenty-five hundred dollars. First clerk.

For the salary of the second clerk in the treasurer's department, two thousand dollars. Second clerk.

For the salary of the cashier in the treasurer's department, two thousand dollars. Cashier.

For the salary of the third clerk in the treasurer's department, fourteen hundred dollars. Third clerk.

For the salary of the fund clerk in the treasurer's department, fourteen hundred dollars. Fund clerk.

For the salary of the receiving teller in the treasurer's department, fourteen hundred dollars. Receiving teller.

For the salary of the paying teller in the treasurer's department, fourteen hundred dollars. Paying teller.

For the salary of the assistant bookkeeper in the treasurer's department, twelve hundred dollars. Assistant book-keeper.

For such additional clerical assistance in the treasurer's department as may be necessary for the despatch of public business, a sum not exceeding thirty-five hundred dollars. Clerical assistance.

For incidental and contingent expenses in the department of the treasurer and receiver general, a sum not exceeding five thousand dollars. Expenses.

For clerical assistance in the office of the treasurer and receiver general, in the care and custody of deposits made with him in trust, a sum not exceeding eighteen hundred dollars. Clerical assistance.

For the salary of the legacy tax clerk in the treasurer's department, eighteen hundred dollars. Legacy tax clerk.

For such expenses as the treasurer and receiver general may find necessary in carrying out the provisions of the act imposing a tax on collateral legacies and successions, a sum not exceeding seven hundred and fifty dollars. Tax on collateral legacies, etc.

For the salary of the deputy sealer of weights, measures and balances, twelve hundred dollars. Deputy sealer of weights, etc.

For travelling and other expenses of the deputy sealer of weights, measures and balances, a sum not exceeding five hundred dollars ; and for furnishing sets of standard weights, measures and balances to towns not heretofore provided therewith, and to each newly incorporated town, also to provide cities and towns with such portions of Expenses, etc.

said sets as may be necessary to make their sets complete, a sum not exceeding six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 6.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TAX COMMISSIONER.

*Be it enacted, etc., as follows :*

- Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit :—
- Tax commissioner.** For the salary of the tax commissioner and commissioner of corporations, thirty-five hundred dollars.
- First clerk.** For the salary of the first clerk in the department of the tax commissioner, two thousand dollars.
- Second clerk.** For the salary of the second clerk in the department of the tax commissioner, fifteen hundred dollars.
- Clerical assistance.** For such additional clerical assistance as the tax commissioner may find necessary for the despatch of public business, a sum not exceeding sixteen thousand dollars.
- Expenses.** For incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding thirty-two hundred dollars.
- State valuation.** For expenses of the state valuation, under the direction of the tax commissioner, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 7.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE COMMISSIONERS OF SAVINGS BANKS.

*Be it enacted, etc., as follows :*

- Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit :—
- Commissioners of savings banks, chairman.** For the salary of the chairman of the commissioners of savings banks, thirty-five hundred dollars.

For the salaries of the two associate commissioners of savings banks, three thousand dollars each. Associate commissioners.

For the salary of the first clerk of the commissioners of savings banks, two thousand dollars. First clerk.

For the salary of the second clerk of the commissioners of savings banks, twelve hundred dollars. Second clerk.

For such additional clerks and expert assistants as the commissioners of savings banks may deem necessary, a sum not exceeding twenty-five hundred dollars. Additional clerks, etc.

For travelling and incidental expenses of the commissioners of savings banks, a sum not exceeding thirty-three hundred dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE GAS AND ELECTRIC LIGHT COMMISSIONERS. Chap. 8.

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:— Appropriations.

For the salaries of the gas and electric light commissioners, eight thousand dollars. Gas and electric light commissioners.

For clerical assistance to the gas and electric light commissioners, a sum not exceeding three thousand dollars. Clerical assistance.

For statistics, books and stationery, and for the necessary expenses of the gas and electric light commissioners, a sum not exceeding three thousand dollars. Expenses.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE STATE LIBRARY. Chap. 9.

*Be it enacted; etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:— Appropriations.

- State librarian.** For the salary of the state librarian, three thousand dollars.
- Purchase of books.** For the purchase of books for the state library, five thousand dollars.
- Clerical assistance.** For such clerical assistance in the state library as may be necessary, a sum not exceeding thirty-five hundred dollars.
- Index to current events.** For preparing an index to current events and such other matters as may be deemed important by the trustees and librarian, contained in the newspapers of the day, a sum not exceeding one thousand dollars.
- Expenses.** For contingent expenses in the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding twenty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 10.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE STATE BOARD OF ARBITRATION AND CONCILIATION.

*Be it enacted, etc., as follows :*

- Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit :—
- Board of arbitration, etc.** For the salaries of the members of the state board of arbitration and conciliation, six thousand dollars.
- Clerk.** For the salary of the clerk of the state board of arbitration and conciliation, twelve hundred dollars.
- Expenses.** For travelling, incidental and contingent expenses of the state board of arbitration and conciliation, a sum not exceeding five thousand dollars, which shall include the compensation of expert assistants.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 11.** AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE COMMISSIONER OF PUBLIC RECORDS

*Be it enacted, etc., as follows :*

- Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes



specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

For the salary of the commissioner of public records, Commissioner of public records.  
twenty-five hundred dollars.

For travelling, clerical and other necessary expenses Expenses.  
of the commissioner of public records, a sum not exceeding twenty-three hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN Chap. 12.  
THE OFFICE OF THE CONTROLLER OF COUNTY ACCOUNTS.

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.  
propriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

For the salary of the controller of county accounts, Controller of county accounts.  
twenty-five hundred dollars.

For the salary of the first deputy of the controller of First deputy.  
county accounts, eighteen hundred dollars.

For the salary of the second deputy of the controller Second deputy.  
of county accounts, fifteen hundred dollars.

For travelling and office expenses of the controller of Expenses.  
county accounts, and of his deputies, a sum not exceeding twelve hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING AN APPROPRIATION FOR THE SINKING FUND OF Chap. 13.  
THE ABOLITION OF GRADE CROSSINGS LOAN.

*Be it enacted, etc., as follows :*

SECTION 1. The sum hereinafter mentioned is ap- Appropriation.  
propriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

For the sinking fund of the Abolition of Grade Cross- Abolition of Grade Cross-  
ings Loan.  
ings Loan, as provided for in chapter four hundred and

twenty-eight of the acts of the year eighteen hundred and ninety, the sum of one hundred and fourteen thousand seven hundred and eighty-seven dollars, said sum being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 14.** AN ACT MAKING AN APPROPRIATION FOR THE METROPOLITAN PARKS LOAN SINKING FUND.

*Be it enacted, etc., as follows :*

Metropolitan  
Parks Loan  
Sinking Fund.

SECTION 1. The sum of thirty-three hundred and fifty dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Metropolitan Parks Loan Sinking Fund, towards retiring the scrip known as series two, as provided for in chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four, said sum being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 15.** AN ACT MAKING AN APPROPRIATION FOR THE STATE HIGHWAY LOAN SINKING FUND.

*Be it enacted, etc., as follows :*

State Highway  
Loan Sinking  
Fund.

SECTION 1. The sum of twenty-eight thousand three hundred and seventy-two dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the State Highway Loan Sinking Fund, as provided for in section eight of chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four, said sum being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 16.** AN ACT MAKING AN APPROPRIATION FOR THE PRISON AND HOSPITAL LOAN SINKING FUND.

*Be it enacted, etc., as follows :*

Prison and  
Hospital Loan  
Sinking Fund.

SECTION 1. The sum of forty-three hundred and forty-five dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Prison and Hospital Loan Sinking Fund, as pro-

vided for by chapters four hundred and eighty-three and five hundred and three of the acts of the year eighteen hundred and ninety-five, said sum being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS SCHOOL FUND.

*Chap. 17.*

*Be it enacted, etc., as follows:*

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts School Fund, as provided for by chapter ninety of the resolves of the year eighteen hundred and ninety-four.

Massachusetts  
School Fund.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF PREMIUMS ON SECURITIES PURCHASED FOR THE MASSACHUSETTS SCHOOL FUND.

*Chap. 18.*

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment by the treasurer and receiver general of premiums on securities purchased for the Massachusetts School Fund, as provided for by chapter three hundred and thirty-five of the acts of the year eighteen hundred and ninety.

Massachusetts  
School Fund,  
premiums on  
securities.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION.

*Chap. 19.*

*Be it enacted, etc., as follows:*

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts State Firemen's Association, as provided for by

Massachusetts  
State Firemen's  
Association.

chapter one hundred and seventy-seven of the acts of the year eighteen hundred and ninety-two.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 20.** AN ACT MAKING AN APPROPRIATION FOR THE REMOVAL OF WRECKS FROM TIDE WATERS.

*Be it enacted, etc., as follows :*

Removal of  
obstructions  
from tide  
waters.

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for expenses in connection with the removal of wrecks and other obstructions from tide waters, as provided for in section nine of chapter two hundred and sixty of the acts of the year eighteen hundred and eighty-three, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 21.** AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER POLYTECHNIC INSTITUTE.

*Be it enacted, etc., as follows :*

Worcester  
Polytechnic  
Institute.

SECTION 1. The sum of three thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Worcester Polytechnic Institute, as provided for by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-six.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 22.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

Secretary,  
compensation.

For the salary of the secretary of the Commonwealth, thirty-five hundred dollars.

For the salary of the first clerk in the secretary's department, twenty-two hundred dollars.

First clerk.

For the salary of the second clerk in the secretary's department, two thousand dollars.

Second clerk.

For the salary of the third clerk in the secretary's department, eighteen hundred dollars.

Third clerk.

For the salary of the cashier in the secretary's department, a sum not exceeding fifteen hundred dollars.

Cashier.

For messengers and such additional clerical assistance as the secretary may find necessary, a sum not exceeding twenty-two thousand dollars.

Extra clerks and messengers.

For incidental and contingent expenses in the department of the secretary of the Commonwealth, a sum not exceeding thirty-five hundred dollars.

Expenses.

For the arrangement and preservation of state records and papers, under the direction of the secretary of the Commonwealth, a sum not exceeding five thousand dollars.

Arrangement of records, etc.

For postage and expressage on documents to members of the general court, also for transportation of documents to free public libraries, a sum not exceeding two thousand dollars.

Postage, etc.

For the purchase of record inks for public records, under the direction of the secretary, a sum not exceeding five hundred dollars.

Record ink.

For the purchase of histories of regiments, batteries or other military organizations of Massachusetts volunteers who served in the late war, a sum not exceeding two thousand dollars.

Purchase of histories, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE AUDITOR OF THE COMMONWEALTH.

*Chap. 23.*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit: —

Appropriations.

For the salary of the auditor, thirty-five hundred dollars.

Auditor, compensation.

For the salary of the first clerk in the auditor's department, twenty-two hundred dollars.

First clerk.

- Second clerk.** For the salary-of the second clerk in the auditor's department, two thousand dollars.
- Extra clerks.** For the salaries of the extra clerks in the auditor's department, forty-five hundred dollars.
- Stenographer, etc.** For a stenographer, messenger, and such additional clerical assistance as the auditor may find necessary for the proper despatch of public business, a sum not exceeding twenty-five hundred dollars.
- Printing expert.** For the compensation of a state printing expert, a sum not exceeding fifteen hundred dollars.
- Expenses.** For incidental and contingent expenses in the department of the auditor, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 24.** AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF STATE AND MILITARY AID, AND FOR EXPENSES IN CONNECTION THEREWITH.

*Be it enacted, etc., as follows:*

- Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit: —
- State and military aid.** For reimbursement to cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding six hundred and fifty-two thousand dollars, the same to be paid on or before the first day of December in the year eighteen hundred and ninety-seven.
- Commissioner of state aid.** For the salary of the commissioner of state aid appointed by the governor and council, twenty-five hundred dollars.
- Clerical assistance, etc.** For clerical assistance, salaries and expenses of agents, and other expenses of the commissioners of state aid, a sum not exceeding eight thousand eight hundred and twenty dollars.
- Expenses.** For postage, printing and other necessary expenses in carrying out the provisions of the state and military aid laws, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN *Chap. 25.*  
THE OFFICE OF THE INSURANCE COMMISSIONER.

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.  
propriated, to be paid out of the treasury of the Com-  
monwealth from the ordinary revenue, for the purposes  
specified, to meet expenses for the year ending on the  
thirty-first day of December in the year eighteen hundred  
and ninety-seven, to wit :—

For the salary of the insurance commissioner, thirty- Insurance  
hundred dollars. commissioner.

For the salary of the deputy insurance commissioner, Deputy.  
twenty-five hundred dollars.

For the salary of the actuary of the insurance com- Actuary.  
missioner, two thousand dollars.

For the salary of the examiner in the insurance de- Examiner.  
partment, two thousand dollars.

For the salary of the chief clerk of the insurance com- Chief clerk.  
missioner, two thousand dollars.

For the salary of the second clerk of the insurance Second clerk.  
commissioner, fifteen hundred dollars.

For the salary of the third clerk of the insurance com- Third clerk.  
missioner, twelve hundred dollars.

For such additional clerks and assistants as the insur- Additional  
ance commissioner may find necessary for the despatch clerks, etc.  
of public business, a sum not exceeding twenty thousand  
two hundred dollars.

For incidental and contingent expenses of the insur- Expenses.  
ance commissioner, a sum not exceeding forty-five hun-  
dred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF *Chap. 26.*  
THE RAILROAD COMMISSIONERS.

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.  
propriated, to be paid out of the treasury of the Com-  
monwealth from the ordinary revenue, for the purposes  
specified, to meet expenses for the year ending on the  
thirty-first day of December in the year eighteen hundred  
and ninety-seven, to wit :—

Railroad commissioners.	For the salaries of the railroad commissioners, eleven thousand dollars.
Clerk.	For the salary of the clerk of the railroad commissioners, twenty-five hundred dollars.
Assistant clerk.	For the salary of the assistant clerk of the railroad commissioners, a sum not exceeding twelve hundred dollars.
Accountant.	For the salary of the accountant of the railroad commissioners, twenty-five hundred dollars.
Railroad inspectors.	For the salaries and expenses of the steam railroad inspectors, a sum not exceeding five thousand dollars.
Experts, etc.	For the compensation of experts or other agents of the railroad commissioners, a sum not exceeding thirty-eight hundred dollars.
Rent, messenger, etc.	For rent, care of office, and salary of a messenger for the railroad commissioners, a sum not exceeding thirty-two hundred dollars.
Stationery, etc.	For books, maps, statistics, stationery, incidental and contingent expenses of the railroad commissioners, a sum not exceeding two thousand dollars.
Evidence at inquests.	For expenses in connection with taking evidence given at inquests on deaths by accident upon steam and street railroads, a sum not exceeding two thousand dollars.
SECTION 2. This act shall take effect upon its passage.	
<i>Approved February 2, 1897.</i>	

**Chap. 27.** AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF ANNUITIES TO SOLDIERS AND OTHERS.

*Be it enacted, etc., as follows:*

Appropriations.	SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of annuities and pensions due from the Commonwealth to soldiers and others, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit: —
Johonnot annuities.	For annuities due from the Commonwealth, incurred by the acceptance of the bequest of the late Martha Johonnot, a sum not exceeding three hundred dollars.
Annuities to soldiers, etc.	For annuities to soldiers and others, as authorized by the legislature, the sum of thirty-nine hundred and eighty dollars.
Pensions.	For pensions authorized by the legislature, the sum of five hundred and twenty dollars.
SECTION 2. This act shall take effect upon its passage.	
<i>Approved February 2, 1897.</i>	



AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF  
THE BUREAU OF STATISTICS OF LABOR. *Chap. 28.*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.  
propriated, to be paid out of the treasury of the Com-  
monwealth from the ordinary revenue, for the purposes  
specified, to meet expenses for the year ending on the  
thirty-first day of December in the year eighteen hundred  
and ninety-seven, to wit : —

For the salary of the chief of the bureau of statistics Bureau of sta-  
of labor, twenty-five hundred dollars. tistics, chief.

For the salary of the first clerk of the bureau of statis- First clerk.  
tics of labor, eighteen hundred dollars.

For the salary of the second clerk of the bureau of sta- Second clerk.  
tistics of labor, fifteen hundred dollars.

For such additional clerical assistance and for such Clerical as-  
expenses of the bureau of statistics of labor as may be sistance, etc.  
necessary, a sum not exceeding six thousand dollars.

For expenses in connection with the annual collection Statistics of  
of statistics of manufactures, a sum not exceeding sixty- manufactures.  
five hundred dollars.

For contingent expenses of the bureau of statistics of Expenses.  
labor, to be expended under the direction of the sergeant-  
at-arms, a sum not exceeding five hundred dollars.

For rent of rooms for the use of the bureau of statistics Rent of rooms,  
of labor, and for services of a janitor, a sum not exceed- etc.  
ing three thousand dollars.

For rent of rooms for the bureau of statistics of labor Rent of rooms  
for storage purposes, a sum not exceeding five hundred for storage.  
and fifty dollars.

For rent of additional rooms for the use of the bureau Rent of addi-  
of statistics of labor for such period of time as may be tional rooms.  
required for the purposes of the decennial census, a sum  
not exceeding twenty-five hundred dollars.

For expenses in connection with taking a special census Expenses of  
in towns having an increased resident population during special census.  
the summer months, a sum not exceeding two hundred  
and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 29.** AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE GENERAL SUPERINTENDENT OF PRISONS.

*Be it enacted, etc., as follows :*

- Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit :—
- General super-  
intendent of  
prisons.** For the salary of the general superintendent of prisons, thirty-five hundred dollars.
- Clerical  
assistance.** For clerical assistance to the general superintendent of prisons, a sum not exceeding one thousand dollars.
- Travelling  
expenses.** For travelling expenses of the general superintendent of prisons, a sum not exceeding five hundred dollars.
- Incidental  
expenses, etc.** For incidental and contingent expenses of the general superintendent of prisons, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 30.** AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE BOARD OF LIBRARY COMMISSIONERS.

*Be it enacted, etc., as follows :*

- Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit :—
- Free public  
libraries.** To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, under the direction of the board of library commissioners, a sum not exceeding two thousand dollars.
- Clerical as-  
sistance, etc.** For clerical assistance, incidental and necessary expenses of the board of library commissioners, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS *Chap. 31.*  
INSTITUTE OF TECHNOLOGY.

*Be it enacted, etc., as follows:*

SECTION 1. The sum of twenty-nine thousand dollars Massachusetts  
Institute of  
Technology. is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Massachusetts Institute of Technology.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN *Chap. 32.*  
THE OFFICE OF THE COMMISSIONERS OF PRISONS, AND FOR SUNDRY  
REFORMATORY EXPENSES.

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.  
propriated, to be paid out of the treasury of the Com-  
monwealth from the ordinary revenue, for the purposes  
specified, to meet expenses for the year ending on the  
thirty-first day of December in the year eighteen hundred  
and ninety-seven, to wit:—

For the salary of the secretary of the commissioners Commissioners  
of prisons,  
secretary.  
of prisons, twenty-five hundred dollars.

For clerical assistance in the office of the commissioners Clerical  
assistance.  
of prisons, a sum not exceeding twenty-eight hundred  
dollars.

For the salaries of the agents of the commissioners of Agents.  
prisons, twenty-four hundred dollars.

For travelling expenses of the commissioners of prisons, Travelling  
expenses.  
and of the secretary and agents of said commissioners, a  
sum not exceeding twenty-five hundred dollars.

For incidental and contingent expenses of the commis- Incidental  
expenses, etc.  
sioners of prisons, a sum not exceeding twelve hundred  
dollars.

For the salary of the agent for aiding discharged female Agent for aid-  
ing discharged  
female pris-  
oners.  
prisoners, a sum not exceeding seven hundred and seventy-  
five dollars.

For expenses of the agent for aiding female prisoners Expenses.  
discharged from the prisons of the Commonwealth, includ-  
ing assistance rendered to said prisoners, a sum not ex-  
ceeding three thousand dollars.

For aiding prisoners discharged from the Massachusetts Aiding dis-  
charged pris-  
oners.  
reformatory, a sum not exceeding five thousand dollars.

**Agent.** For the salary of the agent for aiding prisoners discharged from the state prison, twelve hundred dollars.

**Expenses.** For expenses of the agent for aiding prisoners discharged from the state prison, to be used in rendering assistance to said prisoners, a sum not exceeding three thousand dollars.

**Removal of prisoners.** For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding nine hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

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**Chap. 33.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRISON.

*Be it enacted, etc., as follows:*

**Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:—

**State prison.** For the payment of salaries at the state prison, a sum not exceeding seventy-six thousand dollars.

**Expenses.** For current expenses at the state prison, a sum not exceeding eighty-four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

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**Chap. 34.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE DISTRICT POLICE.

*Be it enacted, etc., as follows:*

**Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:—

**Chief of district police.** For the salary of the chief of the district police, twenty-five hundred dollars.

**First clerk.** For the salary of the first clerk in the office of the chief of the district police, fifteen hundred dollars.

**Second clerk.** For the salary of the second clerk in the office of the chief of the district police, one thousand dollars.

For the compensation of the members of the district police, a sum not exceeding sixty-five thousand dollars. Members of district police.

For travelling expenses of the members of the district police, a sum not exceeding twenty thousand eight hundred dollars. Travelling expenses.

For incidental and contingent expenses of the chief and members of the district police, a sum not exceeding two thousand dollars. Incidental expenses, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING AN APPROPRIATION FOR THE COMPENSATION OF Chap. 35.  
INSPECTORS OF ANIMALS AND PROVISIONS.

*Be it enacted, etc., as follows :*

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : — Appropriation.

For the compensation of inspectors of animals and provisions, as provided for by chapter four hundred and seventy-six of the acts of the year eighteen hundred and ninety-five, a sum not exceeding ten thousand dollars. Inspectors of animals and provisions.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES Chap. 36.  
OF THE STATE PENSION AGENT.

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : — Appropriations.

For the salary of the state pension agent, two thousand dollars. State pension agent.

For clerical assistance, travelling and other necessary expenses of the state pension agent, a sum not exceeding four thousand eight hundred dollars. Clerical assistance, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 37.** AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BALLOT LAW COMMISSION.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

Ballot law commission.

For the compensation of the ballot law commission, a sum not exceeding fifteen hundred dollars.

Expenses.

For necessary expenses of the ballot law commission, a sum not exceeding five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 38.** AN ACT MAKING AN APPROPRIATION FOR THE SALARY OF THE ASSAYER AND INSPECTOR OF LIQUORS.

*Be it enacted, etc., as follows :*

Assayer and inspector of liquors.

SECTION 1. The sum of twelve hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the salary of the assayer and inspector of liquors, for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 39.** AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE TRUSTEES OF THE MEDFIELD INSANE ASYLUM.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

Medfield insane asylum building committee.

For the compensation of the building committee of the Medfield insane asylum, sixty-five hundred dollars.

Travelling expenses of trustees.

For travelling and other necessary expenses of the trustees of the Medfield insane asylum, to include office

rent, clerk hire and telephones, postage, stationery and telegrams, a sum not exceeding twenty-one hundred and seventy-five dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS  
SCHOOL FOR THE FEEBLE-MINDED.

*Chap. 40.*

*Be it enacted, etc., as follows :*

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Massachusetts School for the Feeble-minded, as provided for by chapter one hundred and twenty-three of the acts of the year eighteen hundred and eighty-seven.

Massachusetts  
School for the  
Feeble-minded.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING AN APPROPRIATION FOR THE PERKINS INSTITU-  
TION AND MASSACHUSETTS SCHOOL FOR THE BLIND.

*Chap. 41.*

*Be it enacted, etc., as follows :*

SECTION 1. The sum of thirty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Perkins Institution and Massachusetts School for the Blind, as provided for by chapter nineteen of the resolves of the year eighteen hundred and sixty-nine.

Perkins Institu-  
tion, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

AN ACT MAKING AN APPROPRIATION FOR OPERATING THE CHARLES  
RIVER VALLEY SYSTEM OF SEWERAGE.

*Chap. 42.*

*Be it enacted, etc., as follows :*

SECTION 1. A sum not exceeding thirty-one thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of providing for the cost of the maintenance and operation of the system of sewage disposal for the cities of Boston, Newton and Waltham, and the towns of Watertown and Brookline, known as the Charles River Valley System, during the year ending on the thirty-first

Charles river  
valley system  
of sewerage.

day of December in the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 43.** AN ACT MAKING AN APPROPRIATION FOR OPERATING THE NEPONSET RIVER VALLEY SYSTEM OF SEWAGE DISPOSAL.

*Be it enacted, etc., as follows :*

Neponset river  
valley system  
of sewage dis-  
posal.

SECTION 1. A sum not exceeding forty-five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the cost of maintenance and operation of the Neponset river valley system of sewage disposal, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, the same to be in addition to the twenty-five hundred dollars appropriated by chapter eighty-five of the acts of the year eighteen hundred and ninety-six.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*

**Chap. 44.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE INSPECTORS OF GAS METERS.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

Inspector of  
gas meters.

For the salary of the inspector of gas meters, two thousand dollars.

Assistant  
inspector.

For the salary of the assistant inspector of gas meters, twelve hundred dollars.

Travelling  
expenses, etc.

For travelling and incidental expenses of the inspector and assistant inspector of gas meters, a sum not exceeding six hundred and fifty dollars.

Additional  
apparatus.

For such additional apparatus as the inspector of gas meters may find necessary, a sum not exceeding two hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 2, 1897.*



AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE MASSACHUSETTS REFORMATORY. *Chap. 45.*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

For the payment of the salaries of officers at the Massachusetts reformatory, a sum not exceeding eighty thousand two hundred dollars.

For salaries and wages of instructors, teachers and other employees at the Massachusetts reformatory, a sum not exceeding twenty-four thousand nine hundred dollars.

For current expenses at the Massachusetts reformatory, a sum not exceeding one hundred and nine thousand seven hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES OF EMPLOYEES, AND OTHER NECESSARY EXPENSES IN THE DEPARTMENT OF THE SERGEANT-AT-ARMS. *Chap. 46.*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

For the salaries of the chief engineer and other employees in the engineer's department, a sum not exceeding ten thousand one hundred dollars.

For the salaries of the watchmen and assistant watchmen at the state house, a sum not exceeding eleven thousand one hundred dollars.

For the salaries of firemen, oilers and cleaners at the state house, a sum not exceeding ten thousand five hundred dollars.

For the salaries of the elevator men, and expenses in connection with the elevators at the state house, a sum not exceeding sixty-eight hundred dollars.

Special messenger, etc.

For the salaries of the special messenger and porters at the state house, a sum not exceeding four thousand six hundred dollars.

Telephones.

For rent of telephones and expenses in connection therewith at the state house, a sum not exceeding four thousand dollars.

Fuel and lights.

For fuel and lights at the state house, including coal, water, gas, and removal of ashes, a sum not exceeding twenty-five thousand dollars.

Care of state house, etc.

For the care of the state house and grounds, including repairs, furniture and repairs thereof, and such expenses as may be necessary at the various buildings on Mount Vernon street now occupied by state departments, a sum not exceeding twenty-five thousand dollars.

Messengers, etc.

For the salaries of the messengers to the sergeant-at-arms, known as sergeant-at-arms' messengers, including an office boy, a sum not exceeding forty-four hundred and fifty dollars.

Incidental expenses, etc.

For incidental and contingent expenses of the sergeant-at-arms, a sum not exceeding three hundred dollars.

Stenographer.

For the salary of the stenographer of the sergeant-at-arms, a sum not exceeding eight hundred dollars.

Matron.

For the salary of the state house matron, a sum not exceeding eight hundred dollars.

Janitor, Commonwealth building.

For the salary of the janitor at the Commonwealth building, a sum not exceeding nine hundred dollars.

Repairs, etc.

For repairs, improvements, furniture and other necessary expenses at the Commonwealth building, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1897.*

**Chap. 47. AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED BY LAW.**

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:—

Unclaimed moneys in hands of receivers.

For the payment of unclaimed moneys in the hands of receivers of certain insolvent corporations, after the same

have been deposited in the treasury of the Commonwealth, a sum not exceeding three thousand dollars.

To carry out the provisions of the act relative to the payment from the treasury of the Commonwealth of funds received from public administrators, a sum not exceeding four thousand dollars.

Funds received from public administrators.

For medical examiners' fees, a sum not exceeding five hundred dollars.

Medical examiners' fees.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year eighteen hundred and ninety-six, the sum of three hundred dollars.

Construction, etc., of roads in Mashpee.

For assistance to the town of Truro in maintaining a section of its county highway, known as Beach Point road, a sum not exceeding five hundred dollars.

Beach Point road.

For the city of Waltham, for the annual assessment due from the Commonwealth towards maintaining and operating a system of sewage disposal at the Massachusetts School for the Feeble-minded, the sum of five hundred and twenty-six dollars and eight cents, as provided for in section three of chapter eighty-three of the acts of the year eighteen hundred and ninety-three.

City of Waltham.

For the support of Sarah J. Robinson, a prisoner in the jail at Lowell in the county of Middlesex, a sum not exceeding four hundred dollars.

Sarah J. Robinson.

For the compensation of probation officers, as authorized by section seven of chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-one, a sum not exceeding six hundred dollars.

Probation officers.

For small items of expenditure for which no appropriations have been made or for which appropriations have been exhausted or reverted to the treasury of the Commonwealth in previous years, a sum not exceeding one thousand dollars, to be expended under the direction of the auditor of the Commonwealth.

Small items of expenditure.

For furnishing cities and towns with ballot boxes, and for repairs to the same, a sum not exceeding three thousand dollars.

Ballot boxes.

For compensation and expenses of the electoral college, a sum not exceeding two hundred and eight dollars.

Electoral college.

For travelling and other necessary expenses of the trustees of the Lyman and industrial schools, a sum not exceeding one thousand dollars.

Lyman and industrial schools.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1897.*

**Chap. 48.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF HEALTH.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:—

State board of  
health, secre-  
tary.  
Expenses.

For the salary of the secretary of the state board of health, three thousand dollars.

For the general work of the state board of health, including all necessary travelling expenses, a sum not exceeding thirteen thousand dollars.

Inspection of  
milk, food and  
drugs.

For salaries and expenses in connection with the inspection of milk, food and drugs, a sum not exceeding eleven thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1897.*

**Chap. 49.** AN ACT MAKING AN APPROPRIATION FOR OPERATING THE NORTH METROPOLITAN SYSTEM OF SEWERAGE.

*Be it enacted, etc., as follows:*

North Metro-  
politan System  
of Sewerage.

SECTION 1. A sum not exceeding ninety-two thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of providing for the cost of the maintenance and operation of the system of sewage disposal for the cities of Boston, Cambridge, Somerville, Malden, Chelsea, Woburn, Medford and Everett, and the towns of Stoneham, Melrose, Winchester, Arlington and Belmont, known as the North Metropolitan System, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1897.*

**Chap. 50.** AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF CERTAIN EXPENSES IN CONNECTION WITH THE PROTECTION OF THE PURITY OF INLAND WATERS.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Common-

wealth from the ordinary revenue, for the payment of certain expenses in connection with the protection of the purity of inland waters during the year eighteen hundred and ninety-seven, to wit:—

For services of engineers, chemists, biologists and other assistants, and for other expenses made necessary and authorized by chapter three hundred and seventy-five of the acts of the year eighteen hundred and eighty-eight, a sum not exceeding thirty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1897.*

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF TUITION OF CHILDREN ATTENDING SCHOOL OUTSIDE THE TOWN IN WHICH THEY RESIDE.

*Chap. 51.*

*Be it enacted, etc., as follows:*

SECTION 1. The sum hereinafter mentioned is appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:—

For the payment of tuition of children of any town in which a high school or school of corresponding grade is not maintained, who may attend a high school outside the town in which they reside, a sum not exceeding five thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 5, 1897.*

AN ACT TO AUTHORIZE THE TOWN OF ATTLEBOROUGH TO ISSUE ADDITIONAL WATER SUPPLY BONDS.

*Chap. 52.*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Attleborough, for the purposes mentioned in section four of chapter sixty-nine of the acts of the year eighteen hundred and ninety-three, and for the purpose of paying the necessary expenses and liabilities of the water department and the laying of water pipes, may issue bonds, notes or scrip, to be denominated on the face thereof, Attleborough Water Supply Bonds, 1897, to an amount not exceeding fifty thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for the same purposes; said bonds,

notes or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said chapter sixty-nine for the issue of the Attleborough water supply bonds by said town.

SECTION 2. This act shall take effect upon its acceptance by the town of Attleborough.

*Approved February 9, 1897.*

**Chap. 53.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CIVIL SERVICE COMMISSION.

*Be it enacted, etc., as follows :*

- Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —
- Civil service commission.** For the compensation and expenses of the members of the civil service commission, a sum not exceeding two thousand dollars.
- Chief examiner.** For the salary of the chief examiner of the civil service commission, three thousand dollars.
- Secretary.** For the salary of the secretary of the civil service commission, two thousand dollars.
- Registrar of labor.** For the salary of the registrar of labor of the civil service commission, two thousand dollars.
- Expenses.** For clerical assistance, expenses of examinations, printing civil service rules and regulations and other information for the use of applicants, printing, advertising and stationery, travelling and incidental expenses of the chief examiner, commissioners and secretary, and necessary office expenses, a sum not exceeding fifteen thousand dollars.
- SECTION 2. This act shall take effect upon its passage.

*Approved February 9, 1897.*

**Chap. 54.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE REFORMATORY PRISON FOR WOMEN.

*Be it enacted, etc., as follows :*

- Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the

thirty-first day of December in the year eighteen hundred and ninety-seven, to wit: —

For the payment of salaries, wages and labor at the reformatory prison for women, a sum not exceeding twenty-five thousand dollars.

Reformatory prison for women.

For current expenses at the reformatory prison for women, a sum not exceeding thirty-two thousand dollars.

Expenses.

For the town of Framingham, toward the annual expense of maintaining and operating the system of sewage disposal at the reformatory prison for women, the sum of six hundred dollars.

Sewage disposal.

SECTION 2. This act shall take effect upon its passage.

*Approved February 9, 1897.*

AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AT THE MEDFIELD INSANE ASYLUM.

*Chap. 55.*

*Be it enacted, etc., as follows:*

SECTION 1. The sum of forty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of current expenses at the Medfield insane asylum, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven.

Medfield insane asylum.

SECTION 2. This act shall take effect upon its passage.

*Approved February 9, 1897.*

AN ACT RELATIVE TO THE CHARGES AND EXPENSES FOR THE MAINTENANCE AND OPERATION OF THE JOINT WATER WORKS OF ABINGTON AND ROCKLAND.

*Chap. 56.*

*Be it enacted, etc., as follows:*

SECTION 1. The joint water board, composed of the water commissioners of the towns of Abington and Rockland, shall award and determine each year a fair and just proportion of the charges and expenses which each of said towns shall bear for the maintenance and operation of the joint water works and appurtenances jointly owned by said towns.

Joint water works of Abington and Rockland, maintenance, etc.

SECTION 2. Such provisions of chapter two hundred and six of the acts of the year eighteen hundred and eighty-five as are inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its acceptance by a two thirds vote of the voters of each of said towns present and voting thereon at a legal town meeting called therein.

When to take effect.

*Approved February 9, 1897.*

**Chap. 57. AN ACT MAKING AN APPROPRIATION FOR THE STATE HOUSE LOANS SINKING FUND.**

*Be it enacted, etc., as follows :*

State House  
Loans Sinking  
Fund.

SECTION 1. The sum of one hundred sixty-six thousand nine hundred and sixty-three dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth into the State House Loans Sinking Fund, as provided for in chapter thirty-nine of the acts of the year eighteen hundred and ninety-five, said sum being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

*Approved February 9, 1897.*

**Chap. 58. AN ACT MAKING AN APPROPRIATION FOR THE MEDFIELD INSANE ASYLUM LOAN SINKING FUND.**

*Be it enacted, etc., as follows :*

Medfield Insane  
Asylum Loan  
Sinking Fund.

SECTION 1. The sum of eighteen thousand four hundred and seventy-seven dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Medfield Insane Asylum Loan Sinking Fund, as provided for in section one of chapter three hundred and ninety-one of the acts of the year eighteen hundred and ninety-four, said sum being the estimate of the treasurer and receiver general.

SECTION 2. This act shall take effect upon its passage.

*Approved February 9, 1897.*

**Chap. 59. AN ACT MAKING APPROPRIATIONS FOR SUNDRY AGRICULTURAL EXPENSES.**

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

Board of agri-  
culture, secre-  
tary.

For the salary of the secretary of the state board of agriculture, twenty-five hundred dollars.

First clerk.

For the salary of the first clerk of the secretary of the state board of agriculture, sixteen hundred dollars.

Second clerk.

For the salary of the second clerk of the secretary of the state board of agriculture, twelve hundred dollars.



For other clerical assistance in the office of the secretary of the state board of agriculture, and for lectures before the board at its annual and other meetings, a sum not exceeding eight hundred dollars.

Clerical assistance.

For travelling and other necessary expenses of the members of the state board of agriculture, a sum not exceeding nineteen hundred dollars.

Travelling expenses, etc.

For incidental and contingent expenses of the state board of agriculture, a sum not exceeding eight hundred dollars.

Incidental expenses.

For travelling and other necessary expenses of the secretary of the state board of agriculture, a sum not exceeding five hundred dollars.

Expenses of secretary.

For disseminating useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding two thousand dollars.

Farmers' institutes.

For bounties to agricultural societies, a sum not exceeding twenty-one thousand dollars.

Bounties.

For maintaining an agricultural experiment station at the Massachusetts Agricultural College in the town of Amherst, the sum of ten thousand dollars.

Experiment station.

For the Massachusetts Agricultural College, for the purpose of providing eighty free scholarships, the sum of ten thousand dollars.

Agricultural College, scholarships.

For the Massachusetts Agricultural College, the sum of ten thousand dollars, to be expended under the direction of the trustees for the following purposes, to wit:—Five thousand dollars for the establishment of a labor fund to assist needy students of said college, and five thousand dollars to provide the theoretical and practical education required by its charter and the laws of the United States relating thereto.

Agricultural College, labor fund, etc.

For travelling and other necessary expenses of the trustees of the Massachusetts Agricultural College, a sum not exceeding eight hundred dollars.

Expenses of trustees.

For the salary of the executive officer of the state dairy bureau, five hundred dollars.

Dairy bureau, executive officer.

For the salary of an assistant to the secretary of the state board of agriculture, to assist in the work of the state dairy bureau, twelve hundred dollars.

Assistant to secretary.

For assistants, experts, chemists, agents and other necessary expenses of the state dairy bureau, a sum not exceeding seven thousand dollars.

Experts, chemists, etc.

For purchasing nails or spikes to be driven into certain trees designated by the authorities of cities and towns, for

Preservation of shade trees, etc.

the purpose of preserving ornamental and shade trees on public highways, a sum not exceeding two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 10, 1897.*

**Chap. 60.** AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, THE PURCHASE OF PAPER AND PUBLISHING LAWS.

*Be it enacted, etc., as follows :*

**Appropriations.**

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

**Public documents.**

For printing and binding the series of public documents, a sum not exceeding fifty-five thousand dollars.

**Pamphlet edition, acts and resolves.**

For printing the pamphlet edition of the acts and resolves of the present year, a sum not exceeding four thousand dollars.

**Blue book.**

For printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding seven thousand dollars.

**Publication of laws, etc.**

For the newspaper publication of the general laws and information intended for the public, a sum not exceeding five hundred dollars.

**Decisions of supreme judicial court.**

For reports of decisions of the supreme judicial court, a sum not exceeding two thousand dollars.

**Purchase of paper.**

For the purchase of paper used in the execution of the contract for the state printing, a sum not exceeding thirty thousand dollars.

**Assessors' books, etc.**

For assessors' books and blanks, a sum not exceeding fifteen hundred dollars.

**Registration books, etc.**

For registration books and blanks, indexing returns and editing registration report, a sum not exceeding twenty-five hundred dollars.

**Printing, etc., ballots.**

For printing and distributing ballots, a sum not exceeding ten thousand dollars.

**Blank forms.**

For blank forms for town officers, election laws and instructions on matters relating to elections, and expense of advertising the state ticket, a sum not exceeding four thousand dollars.

**Blanks, etc.**

For furnishing blanks to registrars of voters, a sum not exceeding five hundred dollars.

For collating, indexing and publishing all the acts and resolves of the general court from the adoption of the constitution to the year eighteen hundred and six, a sum not exceeding seven thousand dollars. Publication of early laws.

SECTION 2. This act shall take effect upon its passage.

*Approved February 10, 1897.*

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND NINETY-SIX.

*Chap. 61.*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of certain expenses in excess of appropriations therefor in the year eighteen hundred and ninety-six, to wit:— Appropriations.

For expenses of the Lyman school for boys, the sum of forty-five dollars and eighty-two cents. Lyman school for boys.

For expenses in the department of the commissioner of state aid, the sum of two hundred seven dollars and sixty-three cents. Commissioner of state aid.

For the salaries of extra clerks in the department of the secretary of the Commonwealth, the sum of two hundred forty-three dollars and forty-five cents. Secretary of the Commonwealth, extra clerks.

For incidentals in the department of the secretary of the Commonwealth, the sum of three hundred ninety dollars and eleven cents. Secretary's incidentals.

For expenses of courts of insolvency, the sum of five hundred eighteen dollars and fifty-five cents. Courts of insolvency.

For expenses in connection with the maintenance of the Charles river system of sewage disposal, the sum of eight-hundred fifty-seven dollars and seven cents. Charles river system of sewage disposal.

For expenses of the commissioners of the Massachusetts nautical training school, the sum of eleven hundred eighty dollars and forty-six cents. Massachusetts nautical training school.

For the purchase of paper for the Commonwealth, used in executing the state printing contract, the sum of thirty-five hundred ninety-five dollars and thirty-three cents. Purchase of paper.

For the education of deaf pupils, the sum of ninety-one hundred twenty-one dollars and ninety-two cents. Education of deaf pupils.

SECTION 2. This act shall take effect upon its passage.

*Approved February 11, 1897.*

**Chap. 62.** AN ACT RELATIVE TO OATHS BY THE OFFICERS OF MUTUAL FIRE INSURANCE COMPANIES.

*Be it enacted, etc., as follows :*

1894, 522, § 39,  
etc., amended.

Conditions  
under which  
certain fire  
insurance  
policies may  
issue.

**SECTION 1.** Section thirty-nine of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four, as amended by chapter one hundred and twenty-six of the acts of the year eighteen hundred and ninety-six, is hereby amended by inserting after the word "for", in the twelfth line, the words:— But no policy shall be issued under this section until the president and secretary of the company shall have certified under oath that each and every subscription for insurance in the list presented to the insurance commissioner for approval is genuine, and made with an agreement with each and every subscriber for insurance that he will take the policies subscribed for by him within thirty days of the granting of a license to the company by the insurance commissioner to issue policies. For taking a false oath in respect to such certificate such officers shall be deemed guilty of the crime of perjury, and be subject to the legal penalties therefor,—so as to read as follows:— *Section 39.* No policy shall be issued by a purely mutual fire insurance company hereafter organized, nor by a mutual fire insurance company with a guaranty capital of less than one hundred thousand dollars, until not less than one million dollars of insurance, in not less than four hundred separate risks upon property located in Massachusetts, has been subscribed for and entered on its books; except that in any town of less than four thousand inhabitants a company may be formed to insure only dwelling houses, farm buildings, and their contents within such town, and may issue policies when fifty thousand dollars of insurance has been subscribed for. But no policy shall be issued under this section until the president and secretary of the company shall have certified under oath that each and every subscription for insurance in the list presented to the insurance commissioner for approval is genuine, and made with an agreement with each and every subscriber for insurance that he will take the policies subscribed for by him within thirty days of the granting of a license to the company by the insurance commissioner to issue policies. For taking a false oath in respect to such certificate such officers shall be deemed guilty of the crime of perjury, and be

subject to the legal penalties therefor. No officer or other person whose duty it is to determine the character of the risks, and upon whose decision the applications shall be accepted or rejected by a mutual fire insurance company, shall receive as any part of his compensation a commission upon the premiums, but his compensation shall be a fixed salary and such share of the net profits as the directors may determine. Nor shall such officer or person aforesaid be an employee of any officer or agent of the company.

SECTION 2. This act shall take effect upon its passage.

*Approved February 12, 1897.*

AN ACT RELATIVE TO BONDS OF INSURANCE AGENTS.

*Chap. 63.*

*Be it enacted, etc., as follows:*

SECTION 1. Section ninety-two of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out the second paragraph of said act and inserting in place thereof the following: — Every agent of a foreign insurance company shall, on or before the fifteenth day of November in each year, make return to the tax commissioner of all business transacted by him as such agent during the year ending with the thirty-first day of October then next preceding, in such form as the tax commissioner may prescribe; and all books, papers and accounts of his agency shall be open to the inspection of the tax commissioner at any time whenever he may deem it proper to verify the statements and transactions aforesaid. If such agent neglects or refuses to make such return, or refuses to submit the books, papers and accounts of his agency to such inspection, the tax commissioner shall report such neglect or refusal to the insurance commissioner, who shall thereupon cancel the certificate of authority to such agent and make publication thereof, in such manner as the commissioner shall deem necessary, and the certificate so cancelled shall not be renewed within one year thereafter; but only such agents shall be subject to this provision as are not accountable to any other agent in the Commonwealth for premiums received.

1894, 522, § 92,  
amended.

Agents of  
foreign insur-  
ance companies  
to make return  
of business  
to tax commis-  
sioner, etc.

Certificate of  
authority may  
be cancelled.

SECTION 2. This act shall take effect upon its passage.

*Approved February 12, 1897.*

**Chap. 64.**

## AN ACT RELATIVE TO INSURANCE AGENTS.

*Be it enacted, etc., as follows:*1895, 46, § 1,  
amended.Names of agents  
to be filed with  
insurance com-  
missioner.

SECTION 1. Section one of chapter forty-six of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the word "agent", in the fifth line, the words:—in Massachusetts,—and by inserting after the word "or", in the sixth line, the words:—unless a licensed broker,—so as to read as follows:— *Section 1.* Every corporation heretofore or hereafter chartered under the laws of this Commonwealth to transact the business of insurance of any kind shall file with the insurance commissioner the name and residence of each person it appoints or employs to act as its agent in Massachusetts; and whoever shall assume to act as such agent, or, unless a licensed broker, shall in any manner for compensation aid in negotiating contracts of insurance on behalf of such corporation for a person other than himself, prior to the filing of such notice of appointment, shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to the penalties of section one hundred and ten of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four.

SECTION 2. This act shall take effect upon its passage.

*Approved February 12, 1897.***Chap. 65.**

## AN ACT RELATIVE TO RETURNS OF FIRES.

*Be it enacted, etc., as follows:*1894, 522, § 16,  
amended.To furnish  
blanks for an-  
nual statements.

SECTION 1. Section sixteen of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out all after the word "statements", in the fourth line, so as to read as follows:— *Section 16.* He shall in December of each year furnish to each of the insurance companies authorized to do business in the Commonwealth, two or more blanks in form adapted for their annual statements.

SECTION 2. This act shall take effect upon its passage.

*Approved February 12, 1897.***Chap. 66.**

## AN ACT RELATIVE TO THE DEFINITION OF INSURANCE.

*Be it enacted, etc., as follows:*1894, 522, § 3,  
amended.

SECTION 1. Section three of chapter five hundred and twenty-two of the acts of the year eighteen hundred and

ninety-four is hereby amended by inserting in the fourth line, after the word "destruction", the word: — loss, — so as to read as follows: — *Section 3.* A contract of insurance is an agreement by which one party for a consideration promises to pay money or its equivalent or to do some act of value to the assured upon the destruction, loss or injury of something in which the other party has an interest, and it shall be unlawful for any company to make any contract of insurance upon or concerning any property or interests or lives in this Commonwealth, or with any resident thereof, or for any person as insurance agent or insurance broker to make, negotiate, solicit, or in any manner aid in the transaction of such insurance, unless and except as authorized under the provisions of this act: *provided*, that corporations formed under chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-four and acts amendatory thereof may make provision for and pay benefits to their members and to the widows, orphans, relatives and other dependents of deceased members in the mode provided in said chapter; and *also provided*, that nothing herein shall affect the rights or powers of corporations engaged in the transaction of life and casualty insurance upon the assessment plan, under the authority of chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety, to transact the business authorized by said chapter. All contracts of insurance on property, lives or interests in this Commonwealth shall be deemed to be made therein.

Definition of insurance.

Unlawful to make, etc., contracts for insurance otherwise than as herein authorized; exceptions.

Provisions.

SECTION 2. This act shall take effect upon its passage.

*Approved February 12, 1897.*

AN ACT RELATIVE TO THE DUTIES OF EXAMINER FOR THE INSURANCE DEPARTMENT.

*Chap. 67.*

*Be it enacted, etc., as follows:*

SECTION 1. Section six of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting in the eighth line, after the word "deputy", the word: — examiner, — so as to read as follows: — *Section 6.* Before granting certificates of authority to an insurance company to issue policies or make contracts of insurance he shall be satisfied, by such examination and evidence as he sees fit to make and require, that such company is otherwise duly

1894, 522, § 6, amended.

Insurance companies to be examined as to qualifications, etc.

qualified under the laws of the Commonwealth to transact business therein.

Examination of domestic companies.

As often as once in three years he shall personally or by his deputy, examiner, or chief clerk, visit each domestic insurance company, and thoroughly inspect and examine its affairs, especially as to its financial condition and ability to fulfil its obligations and whether it has complied with the laws. He shall also make an examination of any such company whenever he deems it prudent to do so or upon the request of five or more of the stockholders, creditors, policy holders or persons pecuniarily interested therein who shall make affidavit of their belief, with specifications of their reasons therefor, that such company is in an unsound condition.

Examination of foreign companies.

Whenever he deems it prudent for the protection of policy holders in this Commonwealth, he shall in like manner visit and examine or cause to be visited and examined by some competent person or persons he may appoint for that purpose any foreign insurance company applying for admission or already admitted to do business by agencies in this Commonwealth, and such company shall pay the proper charges incurred in such examination, including the expenses of the commissioner or his deputy and the expenses and compensation of his assistants employed therein.

Expenses.

Examination of books and papers, etc.

For the purposes aforesaid the commissioner or his deputy or person making the examination shall have free access to all the books and papers of an insurance company that relate to its business, and to the books and papers kept by any of its agents, and may summon and qualify as witnesses under oath and examine, the directors, officers, agents and trustees of any such company, and any other persons, in relation to its affairs, transactions and condition.

1894, 522, § 24, amended.

To obtain certificate before issuing policies.

SECTION 2. Section twenty-four of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the third line, the word "or", and inserting in said line, after the word "deputy", the words: — or examiner, — so as to read as follows: — *Section 24.* No domestic insurance company shall issue policies until upon examination by the commissioner, his deputy or examiner, it is found to have complied with the laws of the Commonwealth, nor until it has obtained from the commissioner



a certificate setting forth that fact and authorizing it to issue policies. For such examination it shall pay into the treasury of the Commonwealth thirty dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved February 12, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE FARM. *Chap. 68.*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.  
propriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

For the payment of salaries, wages and labor at the State farm, salaries, etc.  
state farm, a sum not exceeding thirty-six thousand eight hundred dollars.

For current expenses at the state farm, a sum not ex- Expenses.  
ceeding ninety thousand six hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 12, 1897.*

AN ACT MAKING APPROPRIATIONS FOR EXPENSES IN CONNECTION WITH THE TOPOGRAPHICAL SURVEY AND MAP OF MASSACHUSETTS. *Chap. 69.*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are ap- Appropriations.  
propriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

For the determination of town boundary lines, a sum Town boundary  
not exceeding fourteen thousand dollars. lines.

For marking town boundary lines, a sum not exceeding Marking.  
five hundred dollars.

For selling and distributing maps, a sum not exceeding Distributing,  
one thousand dollars. etc., maps.

For supplementing topographical maps, and leveling, a Supplementing  
sum not exceeding five hundred dollars. maps.

For instruments and repairs to same, a sum not exceed- Instruments.  
ing one hundred dollars.

Duplicating  
atlases.

For duplicating atlases of town boundary plans, a sum not exceeding two thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 12, 1897.*

**Chap.70.** AN ACT TO CHANGE THE NAME OF THE MUTUAL FIRE INSURANCE COMPANY IN SALEM.

*Be it enacted, etc., as follows :*

Name changed.

SECTION 1. The name of the Mutual Fire Insurance Company in Salem, a mutual fire insurance company organized on the seventeenth day of April in the year eighteen hundred and thirty-eight, is hereby changed to Salem Mutual Fire Insurance Company.

SECTION 2. This act shall take effect upon its passage.

*Approved February 12, 1897.*

**Chap.71.** AN ACT RELATING TO THE DECENNIAL CENSUS.

*Be it enacted, etc., as follows :*

Bureau of  
statistics of  
labor, decennial  
census.

SECTION 1. The bureau of statistics of labor is hereby authorized to expend the sum of thirty thousand dollars, in addition to the amount fixed by section seventeen of chapter two hundred and twenty-four of the acts of the year eighteen hundred and ninety-four, for the purposes of the decennial census of the year eighteen hundred and ninety-five, exclusive of the cost of paper for schedules, and of printing, stereotyping and binding the abstracts and reports of said census.

SECTION 2. This act shall take effect upon its passage.

*Approved February 13, 1897.*

**Chap.72.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ATTORNEY-GENERAL OF THE COMMONWEALTH.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

Attorney-gen-  
eral, compensa-  
tion.

For the salary of the attorney-general, five thousand dollars.

For the compensation of assistants in the office of the attorney-general, and for such additional legal assistance as he may deem necessary in the discharge of his duties, and also for other necessary expenses in his department, a sum not exceeding thirty-six thousand dollars. Assistants, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved February 13, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ADJUTANT GENERAL, AND FOR SUNDRY OTHER MILITARY EXPENSES. Chap. 73.

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : — Appropriations.

For the salary of the adjutant general, thirty-six hundred dollars. Adjutant general, compensation.

For the salary of the first clerk of the adjutant general, twenty-two hundred dollars. First clerk.

For the salary of the second clerk of the adjutant general, sixteen hundred dollars. Second clerk.

For the salary of an additional clerk in the adjutant general's department, two thousand dollars. Additional clerk.

For the salaries of the two extra clerks in the adjutant general's department, twelve hundred dollars each. Extra clerks.

For the salary of the messenger of the adjutant general, eight hundred dollars. Messenger.

For such additional clerical assistance as the adjutant general may deem necessary, and for compensation of employees at the state arsenal, a sum not exceeding sixty-three hundred dollars. Clerical assistance, etc.

For compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and eight thousand dollars. Militia, compensation.

For transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding twenty thousand dollars. Transportation.

For incidental and contingent expenses in the adjutant general's department, a sum not exceeding four thousand dollars. Expenses.

Rent of armories, etc.	For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-seven thousand dollars.
Quartermasters' supplies.	For quartermasters' supplies, a sum not exceeding twenty-two thousand dollars.
Expenses.	For incidental and contingent expenses of the quartermaster general's department, a sum not exceeding five thousand dollars.
Camp ground.	For grading and care of the camp ground of the Commonwealth at Framingham, a sum not exceeding one thousand dollars.
Military accounts.	For military accounts in connection with the volunteer militia not otherwise provided for, a sum not exceeding four thousand dollars.
Record of officers, sailors, etc.	For expenses in connection with the record of Massachusetts officers, sailors and marines, a sum not exceeding two thousand dollars.
Care, etc., of armories.	For expenses of the care, heating, lighting and furnishing the armories recently erected in certain cities of the Commonwealth, for the use of the volunteer militia, a sum not exceeding twenty-two thousand dollars.
Clothing.	For allowance and repairs of clothing of the volunteer militia, a sum not exceeding nine thousand dollars.
Rifle practice.	For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding fifteen thousand dollars.
Surgeon general, compensation.	For the salary of the surgeon general, twelve hundred dollars.
Medical supplies, etc.	For medical supplies for the use of the volunteer militia, and for incidental and contingent expenses of the surgeon general, a sum not exceeding two thousand dollars.
Sale of grass at camp ground, etc.	Any sums of money received under the provisions of section eighty-seven of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three, and from the sale of grass at the camp ground at Framingham during the year eighteen hundred and ninety-seven, may be expended by the quartermaster general during the present year, under the direction of the governor and council, for the construction and repair of buildings and other structures.
Care, etc., of U. S. steamer Minnesota.	For care, furnishing and repair of the United States steamer Minnesota, which has been loaned to the Commonwealth and is now being used as an armory for

the naval militia, a sum not exceeding four thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 13, 1897.*

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS  
CHARITABLE EYE AND EAR INFIRMARY.

*Chap. 74.*

*Be it enacted, etc., as follows:*

SECTION 1. The sum of fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended under the direction of the managers of the Massachusetts Charitable Eye and Ear Infirmary on account of the cost of construction of a new hospital building for said infirmary, as provided for by chapter ninety-seven of the resolves of the year eighteen hundred and ninety-six, but no part of the sum hereby appropriated shall be paid over to said infirmary until the construction of said new hospital building shall have been commenced and contracts to the aggregate amount of not less than twenty-five thousand dollars shall have been made for work and materials on account of such building.

Massachusetts  
Charitable Eye  
and Ear In-  
firmary.

SECTION 2. This act shall take effect upon its passage.

*Approved February 13, 1897.*

AN ACT TO AUTHORIZE THE CITY OF NORTH ADAMS TO GRADE AND  
PAVE ITS STREETS AND TO ISSUE BONDS OR NOTES THEREFOR.

*Chap. 75.*

*Be it enacted, etc., as follows:*

SECTION 1. The mayor, and the city council of the city of North Adams by a two thirds vote of all its members, whenever they adjudge that the public convenience and necessity require, may order that any public street, highway or part thereof shall be paved with granite blocks, vitrified brick, asphalt or other suitable solid material, and provided with necessary curbstones for the purpose of such paving; and thereupon the commissioner of public works shall cause such public street, highway or part thereof, to be graded, paved and provided with necessary curbstones, in accordance with the provisions of such order, and shall certify an itemized account of all expenses incurred and paid on account of such order to the assessors of taxes. Such account shall include all dam-

Paving, etc., of  
streets in North  
Adams.

Payment of  
expenses.

ages paid to any owner of real estate for injury sustained in his property by reason of any raising, lowering, or other act done for the purpose of repairing such street or highway, as herein authorized. At any time within two years after such street, highway or part thereof shall be so graded and paved, the assessors of taxes shall assess in just proportion upon the real estate abutting on any such street, highway or part thereof, one half the expense of such grading, paving and constructing curbstones, except that every street railway now or hereafter operated in said city shall be assessed by said assessors for and shall pay the whole expense of grading and paving that portion of every street graded and paved which is covered by its rails, and a space eighteen inches outside of and adjoining its tracks on either side. The amount to be paid by any street railway shall in every case be first ascertained and deducted from the total expense of grading and paving and constructing curbstones under this section, before any assessment is made upon abutting real estate, and no assessment shall be made until the work of grading and paving shall be completed.

Certain assess-  
ments may be  
reassessed, etc.

SECTION 2. Any assessment levied under the provisions of this act which is invalid, and which has not been paid or recovered back, may be reassessed by the assessors to the amount for which the original assessment ought to have been made, and the same shall be a lien upon the estate assessed, or, in the case of street railway companies, upon the property of such street railway companies, and shall be collected in the same manner as reassessed taxes.

Assessment to  
constitute a lien  
upon real estate  
or property.

SECTION 3. Every assessment levied under the provisions of this act upon real estate shall constitute a lien upon the real estate assessed, and every such assessment made upon a street railway company shall constitute a lien upon the property of such street railway company, to be enforced with like charges for costs and interest in the manner provided by law for the collection of taxes; and if the owner of such real estate or such street railway company at any time before demand gives notice in writing to the assessors to apportion such assessment said assessors shall apportion the same into five equal parts, and shall add one of said parts, with interest from the date of apportionment, to the annual tax of said estate or property of such street railway company for each of

Apportionment  
of assessments,  
etc.

the five years next ensuing; and all such assessments remaining after they become due shall draw interest until the payment thereof.

SECTION 4. A party aggrieved by the doings of said assessors may within one year apply by petition filed in the superior court for the county of Berkshire for a revision thereof by a jury, and after due notice to the city a trial shall be had by the jury at the bar of the court.

Parties aggrieved may petition for a jury.

SECTION 5. If the jury does not reduce the assessment the respondent shall recover costs, which shall be a lien upon the estate or property and shall be collected in the same manner as the assessment; but if the jury reduces the assessment the petitioner shall recover costs; and all assessments shall be a lien on the estate or property for one year after final judgment in any proceeding wherein the amount or validity of the same is called in question, and shall be collected in the same manner as original assessments.

Recovery of costs, etc.

SECTION 6. When an assessment is made upon an estate the whole or part of which is leased after the passage of this act the owner shall pay the assessment, and may collect of the lessee an additional rent for the portion so leased, equal to ten per cent. per annum on that proportion of the sum paid which the leased portion bears to the whole estate.

Payment of assessments on certain leased estate, etc.

SECTION 7. Whenever the mayor and city council pass an order to grade and pave a street, highway or part thereof under this act, the mayor shall within thirty days thereafter file a declaration thereof in the registry of deeds for the northern Berkshire district, which shall state in general terms the action of said mayor and council, and shall state the streets, street, highway or part thereof upon which such parcels of real estate subject to assessment under this act are situated. The register of deeds shall cause such declaration to be forthwith entered in a book kept for the purpose, and classified according to the names of the streets specified therein.

Declaration of order to pave, etc., to be filed, etc.

SECTION 8. No assessments shall be laid under the provisions of this act upon any real estate except such as abuts upon streets so specified, except in the case of street railway companies; and no such assessment shall constitute a lien upon real estate unless such declaration has been so filed. Nothing in this act shall authorize the laying a second assessment upon real estate abutting upon

Assessments not to be laid upon certain real estate, etc.

any street graded and paved under this act, for the repaving or regrading such street or part thereof.

Allowance to be deducted from sum assessed in certain cases.

SECTION 9. If any benefit received by any owner of real estate from any alteration or repair done under the authority of this act shall have been allowed by way of set-off to any damages sustained by him in his property by reason of any raising, lowering, or other act done under the said authority, the amount so set off shall be deducted from the sum assessed upon his said property for any expenses incurred hereunder, and the balance only, if any, shall be assessed and collected as herein provided.

Permanent Improvement Loan, Act of 1897.

SECTION 10. The city of North Adams may issue bonds or notes of the city to an amount not exceeding in the aggregate principal sum one hundred thousand dollars beyond the limit now prescribed by law and in addition to all amounts hitherto authorized. Such bonds or notes shall be designated, Permanent Improvement Loan, Act of 1897, and be payable in equal annual instalments in not exceeding five years from their date, and bear interest at a rate not exceeding five per cent. per annum, and shall be signed by the treasurer and countersigned by the mayor of the city.

Payment of loan.

SECTION 11. The city treasurer shall certify to the board of assessors each year the amount of such bonds or notes issued and outstanding, and the board of assessors shall each year assess upon the real and personal estate subject to taxation and situated in said North Adams such sums as shall be sufficient to discharge all payments of principal and interest falling due, and the city shall raise such sums by taxation.

Sale of bonds or notes, etc.

SECTION 12. The city council may authorize the treasurer to sell such bonds or notes in his discretion for not less than the par value thereof. The proceeds thereof shall be used to pay for the grading and paving of such streets or parts thereof as may be designated by the city council under this act, and providing curbstones for the same.

Not to be included in determining debt limit.

SECTION 13. No bonds or notes issued under this act shall be included in determining the limit of debt of the city.

SECTION 14. This act shall take effect upon its passage.

*Approved February 18, 1897.*



AN ACT TO ABOLISH THE BOARD OF PUBLIC WORKS OF THE CITY  
OF NORTH ADAMS, AND FOR OTHER PURPOSES. *Chap. 76.*

*Be it enacted, etc., as follows:*

SECTION 1. The board of public works of the city of North Adams is hereby abolished, and the powers and duties now exercised and discharged by said board, except the powers and duties exercised and discharged by the members of the board as overseers of the poor and commissioners of public burial places, shall hereafter be exercised and discharged by one commissioner of public works, who shall be appointed by the mayor without confirmation by the city council, during the current year upon the passage of this act, and thereafter on or before the first Monday in February in each year. He shall hold his office for the term of one year unless sooner removed from office by the mayor in the manner prescribed in section twenty-nine of chapter one hundred and forty-eight of the acts of the year eighteen hundred and ninety-five, and until his successor is appointed and qualified. He shall receive a salary of eighteen hundred dollars each year. A person not a citizen or resident of said North Adams may be appointed such commissioner or superintendent of outdoor work.

Board of public works abolished.

Commissioner of public works, appointment, term, etc.

SECTION 2. The mayor of said city shall appoint without confirmation by the city council of North Adams, during the current year upon the passage of this act, and thereafter on or before the first Monday in February in each year, one overseer of the poor, who shall exercise and discharge all the duties and powers prescribed by law for overseers of the poor, and shall also be the city almoner of said city and exercise and discharge all the duties and powers now exercised and discharged by the auditor of said city of North Adams as city almoner. He shall also be the commissioner of public burial places of said city. He shall hold his office for the term of one year unless sooner removed from office by the mayor in the manner prescribed in section twenty-nine of chapter one hundred and forty-eight of the acts of the year eighteen hundred and ninety-five, and until his successor is appointed and qualified. He shall receive a salary of one thousand dollars each year. The city physician of said city shall hereafter be appointed solely by the mayor.

Overseer of the poor, appointment, term, etc.

City physician.

Assistant in-  
specter of  
buildings.

SECTION 3. The chief engineer of the fire department of said city shall also be the assistant inspector of buildings, and as such assistant inspector be under the direction and control of the inspector of buildings. He shall devote his whole time to the city and shall receive a salary of nine hundred dollars each year.

Repeal.

SECTION 4. Anything contained in chapter one hundred and forty-eight of the acts of the year eighteen hundred and ninety-five, so far as it interferes with this act, is hereby repealed.

SECTION 5. This act shall take effect upon its passage.

*Approved February 18, 1897.*

**Chap. 77.** AN ACT TO AUTHORIZE THE TOWN OF FAIRHAVEN TO REFUND ITS  
SEWER DEBT.

*Be it enacted, etc., as follows:*

Fairhaven Sew-  
erage Loan, Act  
of 1897.

SECTION 1. The town of Fairhaven, for the purpose of paying certain sewer notes to the amount of seventy-four thousand five hundred dollars issued by the town of Fairhaven under the provisions of chapter one hundred and thirty of the acts of the year eighteen hundred and ninety-five, is hereby authorized to issue bonds to an amount not exceeding seventy-five thousand dollars. Such bonds shall bear on the face thereof the words, Fairhaven Sewerage Loan, Act of 1897, shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, the principal to be payable at the expiration of periods not more than twenty years from the date of issue; and shall be signed by the treasurer and countersigned by the selectmen or a majority thereof. Said town may sell said bonds or any part thereof at public or private sale, provided however that the same shall not be sold for less than the par value thereof. The proceeds of a sale of said bonds issued by virtue of this act shall be applied by the treasurer of said town for the payment of the notes issued as above-described, but no purchaser shall be responsible for the application of the proceeds.

Sale of bonds,  
etc.

Payment of  
loan, etc.

SECTION 2. If the town shall so vote, at a meeting duly called for that purpose, said town may provide that said bonds to the amount of two thousand dollars shall by the terms thereof be made due and payable each year for the five years next following the date of issue; that bonds to the amount of three thousand dollars shall by

the terms thereof be made due and payable each year thereafter for the five years next following; that bonds to the amount of four thousand five hundred dollars shall by the terms thereof be made due and payable each year thereafter for the five years next following; that bonds to the amount of five thousand five hundred dollars shall by the terms thereof be made due and payable each year thereafter for the five years next following. If the town votes to make the bonds due and payable as aforesaid the provisions of chapter twenty-nine of the Public Statutes relating to sinking funds shall not apply to bonds authorized by this act.

SECTION 3. In determining the limit of indebtedness of the town of Fairhaven a debt incurred under the authority of this act shall not be included.

Not to be included in determining debt limit.

SECTION 4. This act shall take effect upon its passage.

*Approved February 18, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS. *Chap. 78.*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:—

Appropriations.

For the payment of salaries, wages and labor at the state industrial school for girls, a sum not exceeding eleven thousand five hundred dollars.

State industrial school for girls

For current expenses at the state industrial school for girls, a sum not exceeding sixteen thousand two hundred and seventy-five dollars.

Expenses.

For expenses in connection with boarding out younger girls from the state industrial school, a sum not exceeding one thousand dollars.

Boarding out younger girls.

For the education and instruction in the public schools in any city or town in the Commonwealth of children boarded or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding one hundred and twenty-five dollars.

Education of children boarded out, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

Assistant in-  
spector of  
buildings.

SECTION 3. The chief engineer of the fire department of said city shall also be the assistant inspector of buildings, and as such assistant inspector be under the direction and control of the inspector of buildings. He shall devote his whole time to the city and shall receive a salary of nine hundred dollars each year.

Repeal.

SECTION 4. Anything contained in chapter one hundred and forty-eight of the acts of the year eighteen hundred and ninety-five, so far as it interferes with this act, is hereby repealed.

SECTION 5. This act shall take effect upon its passage.

*Approved February 18, 1897.*

**Chap. 77.** AN ACT TO AUTHORIZE THE TOWN OF FAIRHAVEN TO REFUND ITS SEWER DEBT.

*Be it enacted, etc., as follows:*

Fairhaven Sew-  
erage Loan, Act  
of 1897.

SECTION 1. The town of Fairhaven, for the purpose of paying certain sewer notes to the amount of seventy-four thousand five hundred dollars issued by the town of Fairhaven under the provisions of chapter one hundred and thirty of the acts of the year eighteen hundred and ninety-five, is hereby authorized to issue bonds to an amount not exceeding seventy-five thousand dollars. Such bonds shall bear on the face thereof the words, Fairhaven Sewerage Loan, Act of 1897, shall bear interest at a rate not exceeding five per cent. per annum, payable semi-annually, the principal to be payable at the expiration of periods not more than twenty years from the date of issue; and shall be signed by the treasurer and countersigned by the selectmen or a majority thereof. Said town may sell said bonds or any part thereof at public or private sale, provided however that the same shall not be sold for less than the par value thereof. The proceeds of a sale of said bonds issued by virtue of this act shall be applied by the treasurer of said town for the payment of the notes issued as above-described, but no purchaser shall be responsible for the application of the proceeds.

Sale of bonds,  
etc.

Payment of  
loan, etc.

SECTION 2. If the town shall so vote, at a meeting duly called for that purpose, said town may provide that said bonds to the amount of two thousand dollars shall by the terms thereof be made due and payable each year for the five years next following the date of issue; that bonds to the amount of three thousand dollars shall by

the terms thereof be made due and payable each year thereafter for the five years next following; that bonds to the amount of four thousand five hundred dollars shall by the terms thereof be made due and payable each year thereafter for the five years next following; that bonds to the amount of five thousand five hundred dollars shall by the terms thereof be made due and payable each year thereafter for the five years next following. If the town votes to make the bonds due and payable as aforesaid the provisions of chapter twenty-nine of the Public Statutes relating to sinking funds shall not apply to bonds authorized by this act.

SECTION 3. In determining the limit of indebtedness of the town of Fairhaven a debt incurred under the authority of this act shall not be included.

Not to be included in determining debt limit.

SECTION 4. This act shall take effect upon its passage.

*Approved February 18, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT  
THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

*Chap. 78.*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:—

Appropriations.

For the payment of salaries, wages and labor at the state industrial school for girls, a sum not exceeding eleven thousand five hundred dollars.

State industrial school for girls

For current expenses at the state industrial school for girls, a sum not exceeding sixteen thousand two hundred and seventy-five dollars.

Expenses.

For expenses in connection with boarding out younger girls from the state industrial school, a sum not exceeding one thousand dollars.

Boarding out younger girls.

For the education and instruction in the public schools in any city or town in the Commonwealth of children boarded or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding one hundred and twenty-five dollars.

Education of children boarded out, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

**Chap. 79.** AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AT THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES.

*Be it enacted, etc., as follows :*

Massachusetts hospital for dipsomaniacs and inebriates.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to pay necessary expenses in excess of receipts at the Massachusetts hospital for dipsomaniacs and inebriates, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

**Chap. 80.** AN ACT TO PROVIDE FOR EXTENSIONS OF THE NEPONSET VALLEY SEWER INTO THE TOWN OF MILTON.

*Be it enacted, etc., as follows :*

1895, 406, § 9, amended.

Connection of local sewers with main sewers.

Main sewers to be extended into town of Milton, etc.

SECTION 1. Section nine of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out the whole of said section and inserting in place thereof the following:—

*Section 9.* The city and towns aforesaid shall connect their local sewers with such main sewers, subject to the direction and control of said board as to the methods and places of making said connections; and any person or corporation may, subject to the direction and control of said board and on such terms, conditions and regulations as the city or town may prescribe, connect private drains with said main sewers; and for the purpose of enabling the town of Milton to make such connections the said board shall extend said main sewers from Boston across the Neponset river to and into the town of Milton, at the following places, to wit:—At or near Granite avenue, at or near Adams street in Milton, at or near Central avenue, at or near Blue Hill avenue, and at such other places as said board may deem reasonable, such extensions to be made in such manner as the board of harbor and land commissioners may approve, and, in respect of all work and structures in tide water, subject to the provisions of chapter nineteen of the Public Statutes and of all acts in amendment thereof or in addition thereto, so far as the same are applicable.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

receiver general shall from year to year, beginning with the year eighteen hundred and ninety-six, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity, and in making the assessment for the increase of said sinking fund, upon the several cities and towns liable thereto, one fortieth part of the whole amount shall be assessed in each of the first five years, beginning with the year eighteen hundred and ninety-six; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred and one; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and eleven; and the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty-one. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues. The proportions applicable to the several cities and towns in this system, contained in a report on file in the office of the clerk of the supreme judicial court for the county of Suffolk, shall, when said report has been accepted by said court, become and be the proportions used in assessing the interest and sinking fund requirements, and also the cost of maintenance and operation for the period between the years eighteen hundred and ninety-six and nineteen hundred, both inclusive.

Premiums to be applied to payment of interest, etc.

SECTION 2. The supreme judicial court sitting in equity shall on the application of the board of metropolitan sewerage commissioners, made to said court in the year nineteen hundred, after notice to each of the cities and towns named in said chapter four hundred and six, appoint three commissioners, who shall not be residents of any of the cities or towns mentioned in said chapter, who shall, after due notice and hearing and in such manner as they deem just and equitable, determine for said system established by said chapter the proportion in which each of the cities and towns therein named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year nineteen hundred, to meet the interest and sinking fund requirements for the said five years, as estimated by said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer. In making

Appointment of commissioners to determine proportion to be paid by cities and towns, etc.

Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

**Chap. 83.** AN ACT RELATIVE TO THE EXPENSES INCURRED UNDER THE ACT TO PROVIDE FOR A SYSTEM OF SEWAGE DISPOSAL FOR THE NEPONSET RIVER VALLEY.

*Be it enacted, etc., as follows:*

Metropolitan  
Sewerage Loan.

SECTION 1. To meet the expenses incurred under the provisions of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five the treasurer and receiver general shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding three hundred thousand dollars, for a term not exceeding forty years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face as the Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction, or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by said chapter four hundred and six, and the sinking fund established under the provisions of said chapter shall be a sinking fund for the extinguishment of the debt authorized by this act, said fund to be increased in the following manner:—The treasurer and

To be considered as an addition to loan authorized by 1895, 406, etc.

Sinking fund.



receiver general shall from year to year, beginning with the year eighteen hundred and ninety-six, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity, and in making the assessment for the increase of said sinking fund, upon the several cities and towns liable thereto, one fortieth part of the whole amount shall be assessed in each of the first five years, beginning with the year eighteen hundred and ninety-six; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred and one; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and eleven; and the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty-one. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues. The proportions applicable to the several cities and towns in this system, contained in a report on file in the office of the clerk of the supreme judicial court for the county of Suffolk, shall, when said report has been accepted by said court, become and be the proportions used in assessing the interest and sinking fund requirements, and also the cost of maintenance and operation for the period between the years eighteen hundred and ninety-six and nineteen hundred, both inclusive.

Premiums to be applied to payment of interest, etc.

SECTION 2. The supreme judicial court sitting in equity shall on the application of the board of metropolitan sewerage commissioners, made to said court in the year nineteen hundred, after notice to each of the cities and towns named in said chapter four hundred and six, appoint three commissioners, who shall not be residents of any of the cities or towns mentioned in said chapter, who shall, after due notice and hearing and in such manner as they deem just and equitable, determine for said system established by said chapter the proportion in which each of the cities and towns therein named shall annually pay money into the treasury of the Commonwealth for the term of five years next following the year nineteen hundred, to meet the interest and sinking fund requirements for the said five years, as estimated by said treasurer, and any deficiency in the amount previously paid in, as found by said treasurer. In making

Appointment of commissioners to determine proportion to be paid by cities and towns, etc.

their award the commissioners may take into consideration the extent of the use of the sewers by said city or towns respectively, the population and valuation thereof, and also the extent, if any, to which said main sewers relieve the city or towns respectively of the necessity of constructing local sewers at their own charge, and any other considerations which may seem to them just and equitable, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

To be appointed every five years, etc.

SECTION 3. Before the expiration of said term of five years, and every five years thereafter, other commissioners, who shall not be residents of any of the cities or towns mentioned in said chapter, shall be appointed as aforesaid, upon application of said board as aforesaid, who shall in such manner as they deem just and equitable determine the proportion in which each of said cities and towns in each of said systems shall annually pay money into the treasury of the Commonwealth as aforesaid for the next succeeding term of five years, and shall return their award into said court; and when said award shall have been accepted by said court the same shall be a final and conclusive adjudication of all matters herein referred to said commissioners, and shall be binding on all parties.

Amount required from cities and towns to be estimated by treasurer, etc.

SECTION 4. The amount of money required each year from each city and town named in said chapter four hundred and six, to meet the interest, sinking fund requirements and cost aforesaid, and deficiency, if any, shall be estimated by said treasurer in accordance with the proportion determined as aforesaid, and shall be included in and made a part of the sum charged to such city or town and be assessed upon it in the apportionment and assessment of its annual state tax, and said treasurer shall in each year notify each such city and town of the amount of such assessment, which amount shall be paid by the city or town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

Enforcement of provisions, etc.

SECTION 5. The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act, and shall fix and determine the compensation of all

commissioners appointed by said court under the provisions hereof.

SECTION 6. This act shall take effect upon its passage.

*Approved February 18, 1897.*

AN ACT MAKING AN APPROPRIATION FOR CURRENT EXPENSES AT THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

*Chap. 84.*

*Be it enacted, etc., as follows:*

SECTION 1. A sum not exceeding twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of meeting current expenses at the Massachusetts hospital for epileptics, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven.

Massachusetts hospital for epileptics.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE EXTERMINATION OF CONTAGIOUS DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS.

*Chap. 85.*

*Be it enacted, etc., as follows:*

SECTION 1. The sum of two hundred and fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purpose of meeting expenses in connection with the extermination of contagious diseases among horses, cattle and other animals, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven.

Extermination of contagious diseases among animals.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO PAY A SUM OF MONEY TO THE WIDOW OF THE LATE EDWARD F. JOHNSON.

*Chap. 86.*

*Be it enacted, etc., as follows:*

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized to pay to the widow of Edward F. Johnson late justice of the police court of Marlborough who died on the twenty-seventh day of

Widow of Edward F. Johnson.

October in the year eighteen hundred and ninety-six, the balance of salary which said Edward F. Johnson would have been entitled to receive if he had lived and continued to serve as said justice until the end of said year.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

**Chap. 87.** AN ACT TO AUTHORIZE THE TOWN OF WEST SPRINGFIELD TO MAKE  
AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows:*

West Spring-  
field Water  
Loan, Act of  
1897.

SECTION 1. The town of West Springfield, for the purposes mentioned in section eight of chapter one hundred and thirty-eight of the acts of the year eighteen hundred and seventy-five, may issue from time to time bonds, notes or scrip to an amount not exceeding one hundred and sixty-five thousand dollars; such bonds, notes or scrip shall bear on the face thereof the words, West Springfield Water Loan, Act of 1897, and shall be payable at the expiration of periods not exceeding thirty years from the date of the issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper. The said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall contribute to such fund such sums as shall in the aggregate be sufficient, with the accumulations thereof, to pay the principal of said loan at its maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

Repeal.

SECTION 2. Section eight of chapter one hundred and thirty-eight of the acts of the year eighteen hundred and seventy-five is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved February 18, 1897.*

AN ACT RELATIVE TO THE EXPENSES INCURRED UNDER THE ACT  
TO PROVIDE FOR THE ADDITION OF A PORTION OF THE TOWN  
OF WAKEFIELD TO THE METROPOLITAN SEWERAGE SYSTEM. *Chap. 88.*

*Be it enacted, etc., as follows :*

SECTION 1. Section three of chapter four hundred and fourteen of the acts of the year eighteen hundred and ninety-six is hereby amended by inserting in the sixth line of said section, after the word "thirty", the word:—five,—so as to read as follows:—*Section 3.* To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding thirty-five thousand dollars, for a term not exceeding thirty-four years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face, Metropolitan Sewerage Loan, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein, in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the treasurer and receiver general with the approval of the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, as amended by chapter three hundred and seven of the acts of the year eighteen hundred and ninety-four, and by chapter two hundred and ninety-four of the acts of the year eighteen hundred and ninety-five ; and the sinking fund established under the provisions of said chapters shall be a sinking fund for

1896, 414, § 3,  
amended.

Metropolitan  
Sewerage Loan.

Sinking fund,  
etc.

Sinking fund,  
etc.

the extinguishment of the debt authorized by this act, said funds to be increased in the following manner:— The treasurer and receiver general shall from year to year, beginning with the year eighteen hundred and ninety-six, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity; and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto, one thirty-second part of the whole amount shall be assessed in each of the first four years, beginning with the year eighteen hundred and ninety-six; one sixtieth part in each of the next ten years, beginning with the year nineteen hundred; one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and ten; and the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

**Chap. 89.** AN ACT RELATIVE TO RETURNS NOW REQUIRED TO BE MADE BY JUDGES OF PROBATE AND INSOLVENCY.

*Be it enacted, etc., as follows:*

Certain returns  
to be made by  
registers of pro-  
bate and insol-  
vency.

The returns required by the provisions of section fourteen of chapter one hundred and forty-eight and of section one hundred and forty-three of chapter one hundred and fifty-seven of the Public Statutes shall hereafter be made by the registers of probate and insolvency in their respective counties, instead of by the judges of probate and insolvency as in said sections provided.

*Approved February 18, 1897.*

**Chap. 90.** AN ACT TO AUTHORIZE THE CITY OF MARLBOROUGH TO GRANT RIGHTS TO CUT AND TAKE ICE FROM LAKE WILLIAMS.

*Be it enacted, etc., as follows:*

City of Marl-  
borough may  
grant right to  
cut and take ice  
from Lake  
Williams.

SECTION 1. The city of Marlborough is hereby authorized by its city council to grant to Oscar W. Howe, Irving R. Howe and Winslow B. Howe, all of said Marlborough, and to any other person or persons, the right

to cut and take ice from Lake Williams in said Marlborough, for a term not longer than twenty-five years from the date of the passage of this act, and also the right to enter upon and use the land of said city adjoining said lake for the purpose of taking and conveying ice obtained at said lake as aforesaid to the premises of such grantees, and to convey said ice over or under the highway adjoining said land of the city, for such compensation to the city and upon such agreements and conditions as said city council shall determine to be just and proper.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

AN ACT TO BETTER DEFINE THE LAST DAYS FOR FILING CERTIFICATES OF NOMINATION AND NOMINATION PAPERS.

*Chap. 91.*

*Be it enacted, etc., as follows:*

SECTION 1. The fourth paragraph of section eighty-two of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting after the word "election", in the sixth line, the words:—*provided*, that whenever such Saturday falls on a legal holiday said certificates of nominations shall be filed on or before the preceding day, and whenever such Monday falls on a legal holiday said nomination papers shall be filed on or before the succeeding day,—so as to read as follows:—In towns certificates of nomination for the nomination of candidates for town offices shall be filed on or before the second Saturday preceding the day of the election, and nomination papers for the nomination of such candidates shall be filed on or before the Monday preceding the day of the election: *provided*, that whenever such Saturday falls on a legal holiday said certificates of nominations shall be filed on or before the preceding day, and whenever such Monday falls on a legal holiday said nomination papers shall be filed on or before the succeeding day; except that whenever a town election is held on a day of the week other than Monday, such certificates of nomination and nomination papers shall be filed respectively on or before the ninth and seventh days preceding the day of the election.

1893, 417, § 82,  
amended.

Last days for  
filing certificates of nomination and nomination papers in towns.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

**Chap. 92.** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE ALMSHOUSE.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit :—

State almshouse.

For the payment of salaries, wages and labor at the state almshouse, a sum not exceeding thirty-five thousand two hundred dollars.

Expenses.

For current expenses at the state almshouse, a sum not exceeding one hundred and eleven thousand five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

**Chap. 93.** AN ACT TO AUTHORIZE THE CITY OF HOLYOKE TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

*Be it enacted, etc., as follows :*

May incur indebtedness beyond debt limit, issue bonds, etc.

SECTION 1. The city of Holyoke, for the purpose of completing and furnishing a new high school building in said city, may incur indebtedness to an amount not exceeding one hundred and nine thousand dollars in addition to the indebtedness authorized to be incurred by chapter two hundred and forty-one of the acts of the year eighteen hundred and ninety-five, and may issue bonds not exceeding said amount, to be denominated and signed as provided by said chapter, and to be payable and redeemable within a period of not more than twenty years from the date thereof.

Not to be considered in ascertaining debt limit.

SECTION 2. Said bonds shall not be considered or reckoned in ascertaining the authorized limit of indebtedness of said city under the provisions of section four of chapter twenty-nine of the Public Statutes and acts in amendment thereof or in addition thereto.

P. S. 29, etc., to apply.

SECTION 3. The provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and



eighty-four shall otherwise apply to the issue and sale of such bonds.

SECTION 4. This act shall take effect upon its passage.

*Approved February 18, 1897.*

AN ACT TO EXTEND THE CHARTER OF THE NEW ENGLAND EMIGRANT AID COMPANY.

*Chap. 94.*

*Be it enacted, etc., as follows :*

SECTION 1. The New England Emigrant Aid Company shall continue to be a corporation for the further term of ten years from the date of the expiration of its present charter, and during said additional period of ten years shall continue to have the same rights and be subject to the same liabilities as if the duration of said charter had been subject to no limitation.

Charter extended.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1897.*

AN ACT RELATIVE TO THE DUTIES AND POWERS OF CERTAIN OFFICERS OF THE CITY OF LOWELL.

*Chap. 95.*

*Be it enacted, etc., as follows :*

SECTION 1. The city council of the city of Lowell, and each branch thereof, shall have and exercise all the power and authority relative to the election or appointment of city officers, or the confirmation of appointments to office which were vested in them prior to the enactment of section one of chapter four hundred and fifteen of the acts of the year eighteen hundred and ninety-six.

City council of Lowell, powers and duties.

SECTION 2. The chief of the fire department of said city shall be elected by concurrent vote of both branches of the city council.

Chief of fire department.

SECTION 3. The city council shall by ordinance determine what officers shall be the heads of the various departments of the city government. The head of the department of supplies may sell or dispose of the personal property of the city, upon the recommendation of the mayor and of the head of the department to which such property belongs, except the products of the city farm, which the superintendent of said farm shall have the right to dispose of.

Heads of departments, disposal of property, etc.

Repeal, etc.

SECTION 4. All ordinances of said city inconsistent herewith are hereby annulled, and all acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

*Approved February 20, 1897.*

**Chap. 96.** AN ACT MAKING APPROPRIATIONS FOR SUNDRY EDUCATIONAL EXPENSES.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein provided, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit :—

State board of education, secretary.

For the salary and expenses of the secretary of the state board of education, forty-five hundred dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes.

Clerical and messenger service.

For clerical and messenger service for the state board of education, a sum not exceeding two thousand dollars.

Agents.

For salaries and expenses of agents of the state board of education, a sum not exceeding thirteen thousand dollars.

Expenses.

For incidental and contingent expenses of the state board of education and of the secretary thereof, a sum not exceeding eighteen hundred dollars.

Expenses of members of board.

For travelling and other expenses of the members of the state board of education, a sum not exceeding one thousand dollars.

State normal schools.

For the support of state normal schools, including accountants and certain other expenses of the boarding houses at Bridgewater, Framingham and Westfield, a sum not exceeding one hundred eighty-seven thousand four hundred and forty-four dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes, the excess, if any, to be paid from the treasury of the Commonwealth.

State normal art school.

For the support of the state normal art school, a sum not exceeding nineteen thousand seven hundred and ninety dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes, the excess, if any, to be paid from the treasury of the Commonwealth.

For expenses of teachers' institutes, a sum not exceeding two thousand dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes.

Teachers' institutes.

For the Massachusetts teachers' association, the sum of three hundred dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes, subject to the approval of the state board of education.

Massachusetts teachers' association.

For expenses of county teachers' associations, a sum not exceeding three hundred dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes.

County teachers' associations.

For the Dukes County educational association, the sum of fifty dollars.

Dukes County educational association.

For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the state board of education.

Aid to pupils in state normal schools.

To enable small towns to provide themselves with school superintendents, a sum not exceeding sixty-three thousand seven hundred and fifty dollars.

School superintendents in small towns.

For the education of deaf pupils of the Commonwealth in the schools designated by law, a sum not exceeding fifty-five thousand dollars.

Education of deaf pupils.

For the care and maintenance of the educational museum, the sum of five hundred dollars.

Educational museum.

For expenses in connection with the examination and certification of school teachers by state authority, a sum not exceeding five hundred dollars.

Examination and certification of school teachers.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1897.*

AN ACT TO AUTHORIZE CERTAIN CHARITABLE, EDUCATIONAL AND OTHER CORPORATIONS TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

*Chap. 97.*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter ninety-six of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out in the first and second lines, the words "chartered by the legislature", and inserting in place thereof the words:—organized under any general or special law of this Commonwealth,—and by striking out in the fifth line, the word "five", and inserting in

1896, 96, § 1, amended.

Certain corporations may hold additional estate.

place thereof the word:—fifteen,—so as to read as follows:—*Section 1.* Any corporation heretofore organized under any general or special law of this Commonwealth for any of the purposes mentioned in section two of chapter one hundred and fifteen of the Public Statutes may hold real and personal estate to the amount of not more than fifteen hundred thousand dollars, for the purposes set forth in its charter.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1897.*

**Chap. 98.** AN ACT TO AUTHORIZE AN EXCHANGE OF LANDS IN WALTHAM BY THE TRUSTEES OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

*Be it enacted, etc., as follows:*

Massachusetts School for the Feeble-minded may exchange certain lands in Waltham.

SECTION 1. The Massachusetts School for the Feeble-minded is hereby authorized and empowered to exchange a certain parcel of land owned by the Commonwealth and situated on the easterly side of North street in Waltham, opposite to land occupied by said school, containing about three acres, and bounded and described as follows:—Beginning at a point upon the easterly side of North street where the premises join land of the heirs of James F. Baldwin; thence on land of said heirs north, sixty-five and one half degrees east, by the wall to the barn and through the barn one hundred and seven and one half feet to an angle; thence north, forty-seven and one quarter degrees east, two hundred and sixty-five feet to a corner at land of Edward Lawrence; thence on land of said Lawrence south, forty-six degrees east, two hundred and six feet and south, thirty-five and three quarters degrees west, four hundred and seventy feet to said street; thence northwesterly on said street to the point first mentioned;—for a certain parcel of land owned by the heirs of James F. Baldwin, deceased, situated in Waltham and adjoining land owned by the Commonwealth and occupied by said school, and bounded and described as follows:—Beginning at a split granite stone at the northeast corner of the premises where it joins land of the heirs of James F. Baldwin; thence south, thirty-eight degrees west, eight hundred and forty-three and one third feet on land of said heirs to a drill hole in a foundation stone of a wall at land of Samuel D. Warren; thence north, twenty-nine degrees west, one hundred and

eleven feet, north, thirty-three and one half degrees west, eighty-nine feet, north, forty-eight degrees west, thirty-five and one half feet, north, twenty-two and one half degrees east, one hundred and ten feet, north, eleven and one half degrees east, twelve and one half feet, north, twelve degrees west, seventy-eight feet, north, thirty-seven and one quarter degrees east, six hundred and fifty-nine feet, all on land of said Warren as the wall now stands, to a corner at land of said heirs; thence south, forty-five degrees ten minutes east, two hundred and seventy feet on land of said heirs as the wall now stands to land of said heirs; thence south, fourteen and three quarters degrees east, fifty-two and one half feet on land of said heirs to the stone first mentioned; containing five acres more or less of land, as shown by a plan of the same drawn by Albert E. Wood, surveyor, dated January, eighteen hundred and ninety-seven.

SECTION 2. The treasurer of said Massachusetts School for the Feeble-minded may execute and deliver the deed in the name and on behalf of the Commonwealth to the heirs of said James F. Baldwin of said first described parcel of land, and shall receive in exchange therefor from said heirs, and deliver to the treasurer of the Commonwealth, the deed duly executed from said heirs to the Commonwealth of said last described parcel of land.

Treasurer may execute and deliver deed, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved February 26, 1897.*

AN ACT RELATIVE TO CALLING MEETINGS OF STREET RAILWAY CORPORATIONS.

*Chap. 99.*

*Be it enacted, etc., as follows:*

SECTION 1. Street railway companies shall be subject to the provisions of section fifty-two of chapter one hundred and twelve of the Public Statutes.

To be subject to P. S. 112, § 52.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1897.*

AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO MAKE AN ADDITIONAL WATER LOAN.

*Chap. 100*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Cambridge, by its city council, is hereby authorized to issue, in addition to the amounts now authorized by law, notes, scrip or bonds,

Cambridge Water Loan.

Cambridge  
Water Loan.

to be denominated on the face thereof, Cambridge Water Loan, to an amount not exceeding one million dollars, bearing interest not exceeding four per cent. per annum, payable semi-annually, the principal to be payable at periods not exceeding thirty years from the date of issue. The proceeds of said loan shall be used in settling damages for property taken and which may be taken in the completion of the Stony Brook supply, authorized by chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-four; for constructing, completing and keeping in repair roads adjoining and bounding lands bought and taken in connection with its Fresh Pond reservoir, as authorized in chapter one hundred and thirty-seven of the acts of the year eighteen hundred and eighty-eight; in settling damages for property taken and which may be taken, and expenses incurred and which may be incurred in providing a distributing and higher service reservoir and other works, as authorized by and described in chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety-two; for constructing, keeping in repair, changing the grade, discontinuing, relocating streets, settling damages sustained, expenses, and costs incurred and to be incurred, as authorized by and described in chapter three hundred and fifty-four of the acts of the year eighteen hundred and ninety-five; and for any and all other purposes connected with the protection and extension of the water supply and the renewal, enlargement and construction of the water works of said city of Cambridge.

1884, 256, etc.,  
to apply.

SECTION 2. All the provisions of chapter two hundred and fifty-six of the acts of the year eighteen hundred and eighty-four and the acts referred to therein, in regard to the establishment and maintenance of a sinking fund for the redemption of the Cambridge water loan, shall apply to the loan authorized by this act.

SECTION 3. This act shall take effect upon its passage.

*Approved February 26, 1897.*

**Chap. 101** AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO ISSUE ADDITIONAL WATER BONDS.

*Be it enacted, etc., as follows:*

Brockton  
Water Loan.

SECTION 1. The city of Brockton, for the purposes mentioned in section four of chapter one hundred and twenty-four of the acts of the year eighteen hundred and

seventy-eight, may issue from time to time notes, bonds or scrip, signed by its treasurer and countersigned by its mayor, to be denominated on the face thereof, Brockton Water Loan, to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by the town or city of Brockton for the same purposes. Said notes, bonds or scrip shall be issued upon the same terms and conditions and with the same powers as are provided in said act for the issue of the Brockton water loan by the town of Brockton: *provided*, that the whole amount of such notes, bonds or scrip issued by said town or city for the same purposes shall not exceed eight hundred and twenty thousand dollars.

Brockton  
Water Loan.

Proviso.

SECTION 2. This act shall take effect upon its acceptance by a vote of two thirds of all the members of each branch of the city council of said city of Brockton.

When to take  
effect.

*Approved February 26, 1897.*

AN ACT TO AUTHORIZE THE TOWN OF WELLESLEY TO OBTAIN AN ADDITIONAL WATER SUPPLY AND TO MAKE AN ADDITIONAL WATER LOAN.

Chap.102

*Be it enacted, etc., as follows:*

SECTION 1. The town of Wellesley, for the purpose of increasing its water supply by means of driven, artesian or other wells, and by the construction and maintenance of filter beds, reservoirs and other works or structures which may be necessary or desirable for such purpose, and for the purpose of protecting its water supply or any part thereof, may take from time to time by purchase or otherwise, and hold, any land in said town within three thousand feet of any part of Rosemary Brook or Longfellow's Pond, together with any water standing or flowing on, in or under said land and any water rights connected therewith. The provisions of sections three and four of chapter one hundred and sixty-six of the acts of the year eighteen hundred and eighty-three shall apply to all takings under this act. In connection with any property acquired under this act and in the acquisition or taking thereof said town and its water commissioners shall have all the rights, powers and privileges granted to it and to them by said chapter one hundred and sixty-six, in addition to those herein granted.

May take cer-  
tain land,  
water rights,  
etc.

1883, 166, §§ 3  
and 4 to apply.

Wellesley  
Water Loan.

SECTION 2. Said town, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of section one of this act, or under the provisions of said chapter one hundred and sixty-six of the acts of the year eighteen hundred and eighty-three, may issue from time to time bonds, notes or scrip, to be denominated on the face thereof, Wellesley Water Loan, to an amount not exceeding one hundred and fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for water supply purposes; said bonds, notes or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said chapter one hundred and sixty-six for the issue of the Wellesley water loan by said town: *provided*, that the whole amount of such bonds, notes or scrip issued by said town for water supply purposes shall not in any event exceed the amount of four hundred and twenty-five thousand dollars.

Proviso.

May provide  
for annual pay-  
ments on loan.

SECTION 3. Said town instead of establishing a sinking fund, as provided in said chapter one hundred and sixty-six, may, at the time or times of authorizing said loan or any part or parts thereof, provide for the payment of said loan, or of the part or parts thereof then authorized, in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in said chapter one hundred and sixty-six; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

SECTION 4. This act shall take effect upon its passage.

*Approved February 26, 1897.*

**Chap. 103** AN ACT RELATIVE TO THE ELECTION OF COMMISSIONERS OF THE  
SINKING FUNDS IN THE TOWN OF WELLESLEY.

*Be it enacted, etc., as follows:*

To elect com-  
missioners of  
sinking funds.

SECTION 1. The town of Wellesley shall in the year eighteen hundred and ninety-seven and thereafter annually elect commissioners of its sinking funds in the manner provided by section ten of chapter twenty-nine of the Public Statutes.



SECTION 2. No person holding or being a candidate for the office of water commissioner in said town shall be eligible as commissioner of the sinking funds. Certain persons not eligible.

SECTION 3. Upon the election and qualification of such commissioners the sinking funds of said town shall be transferred to their possession by the trustees then holding the same. Transfer of sinking funds.

SECTION 4. Such provisions of chapter one hundred and sixty-six of the acts of the year eighteen hundred and eighty-three as are inconsistent with this act are hereby repealed. Repeal.

SECTION 5. This act shall take effect upon its passage.

*Approved February 26, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES. Chap. 104

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned, in this section, are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the six months ending on the thirtieth day of June in the year eighteen hundred and ninety-seven, to wit : — Appropriations.

STATE BOARD OF LUNACY AND CHARITY.

For expenses of the state board of lunacy and charity, including travelling and other necessary expenses of members, and salary and expenses of the clerk and auditor of said board, a sum not exceeding twenty-five hundred dollars. Board of lunacy and charity.

For salaries and expenses in the department of the indoor poor, a sum not exceeding twenty thousand dollars. Indoor poor.

For salaries and expenses in the department of the outdoor poor, a sum not exceeding twelve thousand five hundred dollars. Outdoor poor.

For salaries and expenses in the department of the inspector of institutions, a sum not exceeding fifty-five hundred dollars. Inspector of institutions.

For travelling and other necessary expenses of the auxiliary visitors of the state board of lunacy and charity, a sum not exceeding seven hundred and fifty dollars. Auxiliary visitors.

## MISCELLANEOUS CHARITABLE.

Transportation  
of state  
paupers.

For transportation of state paupers, a sum not exceeding ten thousand dollars.

State lunatic  
paupers.

For the support and relief of state paupers in state lunatic hospitals and asylums of the Commonwealth, and of state lunatic paupers boarded out in families, for the present and previous years, a sum not exceeding one hundred thousand dollars.

Maintenance of  
insane paupers  
by certain  
towns.

The reimbursement of expenses incurred by certain towns in the maintenance of the insane, as provided for by chapter two hundred and forty-three of the acts of the year eighteen hundred and ninety-two, shall be paid from the appropriation for the support of state lunatic paupers, and any unpaid bills of previous years may be paid from the appropriation of the present year.

Indigent and  
neglected  
children, etc.

For the care and maintenance of indigent and neglected children and juvenile offenders, to include expenses in connection with the same, a sum not exceeding forty-four thousand dollars.

Support of cer-  
tain state  
paupers.

For the support of state paupers in the Massachusetts School for the Feeble-minded and the Hospital Cottages for Children, a sum not exceeding forty-two hundred and fifty dollars.

Dangerous dis-  
eases.

For expenses in connection with smallpox and other diseases dangerous to the public health, for the present and previous years, a sum not exceeding fifteen hundred dollars.

Appropriations.

SECTION 2. The sums hereinafter mentioned, in this section, are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:—

Education of  
certain chil-  
dren.

For the education and instruction in the public schools in any city or town in the Commonwealth of children boarded or bound out by the state board of lunacy and charity, for the present and previous years, a sum not exceeding twelve thousand dollars.

Sick state  
paupers.

For the support of sick state paupers by cities and towns, for the present and previous years, the same to include cases of wife settlement, a sum not exceeding eighty-seven thousand three hundred dollars.

Burial of state  
paupers.

For the burial of state paupers by cities and towns, for the present and previous years, a sum not exceeding ten thousand dollars.

For temporary aid for state paupers and shipwrecked seamen by cities and towns, for the present and previous years, a sum not exceeding forty thousand dollars. Temporary aid.

For the support and transportation of unsettled pauper infants in this Commonwealth, including infants in infant asylums, a sum not exceeding twenty-nine thousand dollars. Unsettled pauper infants.

SECTION 3. This act shall take effect upon its passage.

*Approved February 26, 1897.*

AN ACT MAKING APPROPRIATIONS FOR CARRYING OUT THE PROVISIONS OF THE ACT RELATING TO THE EMPLOYMENT OF LABOR IN THE PRISONS OF THE COMMONWEALTH.

*Chap.105*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:— Appropriations.

For maintaining industries at the state prison, on the basis of the year eighteen hundred and ninety-six, a sum not exceeding one hundred thousand dollars. Industries at state prison.

For maintaining industries at the Massachusetts reformatory, a sum not exceeding fifty thousand dollars. Massachusetts reformatory.

For maintaining industries at the reformatory prison for women, a sum not exceeding three thousand dollars. Reformatory prison for women.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1897.*

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

*Chap.106*

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:— Appropriations.

For the payment of current expenses of the Massachusetts nautical training school on board the United States ship *Enterprise*, a sum not exceeding fifty thousand dollars. Nautical training school.

Expenses of  
commissioners.

For the necessary expenses of the commissioners of the Massachusetts nautical training school, to include salary of the secretary, clerical services, printing, stationery and other contingent expenses, a sum not exceeding forty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1897.*

**Chap.107** AN ACT MAKING AN APPROPRIATION FOR CONTINUING THE WORK  
OF EXTERMINATING THE GYPSY MOTH.

*Be it enacted, etc., as follows :*

Extermination  
of the gypsy  
moth.

SECTION 1. The sum of one hundred and fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended under the direction of the state board of agriculture, as authorized by chapter two hundred and ten of the acts of the year eighteen hundred and ninety-one, for continuing the work of exterminating the gypsy moth, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, said sum to be in addition to any amount unexpended of the appropriation of the year eighteen hundred and ninety-six.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1897.*

**Chap.108** AN ACT RELATIVE TO INDEBTEDNESS INCURRED BY THE CITY OF  
NEWTON FOR SEWER PURPOSES.

*Be it enacted, etc., as follows :*

Not to be  
included in  
determining  
debt limit.

SECTION 1. In determining the limit of indebtedness of the city of Newton debts which have been incurred or which may hereafter be incurred for the construction of main drains and common sewers, to the amount of one million five hundred thousand dollars, shall not be included.

SECTION 2. This act shall take effect upon its passage.

*Approved February 26, 1897.*

**Chap.109** AN ACT RELATIVE TO THE DIVISION OF PROFITS OF SAVINGS BANKS  
AND INSTITUTIONS FOR SAVINGS.

*Be it enacted, etc., as follows :*

1894, 317, § 26,  
amended.

SECTION 1. Section twenty-six of chapter three hundred and seventeen of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the fourteenth line, the word "and", and inserting

after the word “standing”, in the same line, the following words:—*provided, however*, in computing dividends as aforesaid, sums deposited on or before the third day of the quarter next preceding, or the third day of the half year next preceding, may be considered as having been on deposit for three months and six months respectively,—so as to read as follows:—*Section 26.* The income or profit of every such corporation, after a deduction of all reasonable expenses incurred in the management thereof, and the amounts reserved for the guaranty fund, shall be divided among its depositors or their legal representatives at times fixed by its by-laws, in the following manner: Ordinary dividends shall be made every six months, and shall not exceed two and one half per cent. on all sums which have been on deposit for the six months then next preceding, or one and one fourth per cent. on all sums which have been on deposit for the three months then next preceding; and no ordinary dividend shall be declared or paid except as above-provided, nor upon a deposit of less than three months’ standing: *provided, however*, in computing dividends as aforesaid, sums deposited on or before the third day of the quarter next preceding, or the third day of the half year next preceding, may be considered as having been on deposit for three months and six months respectively. Any such corporation may, by its by-laws, provide that no dividends shall be declared or paid on a less sum than three dollars, or on the fractional part of a dollar.

Division of net profit of savings banks, etc.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved February 27, 1897.*

AN ACT RELATIVE TO FISHING IN THE MERRIMAC RIVER.

*Chap. 110*

*Be it enacted, etc., as follows:*

SECTION 1. Whoever takes shad or alewives in that part of the Merrimac river where the tide ebbs and flows, by the use of a gill net of any description, or of a sweep seine having a mesh which stretches less than one and three quarters inches, shall forfeit twenty-five dollars for each offence, and in addition shall forfeit the fish taken and the apparatus used.

Fishing in Merrimac river regulated.

SECTION 2. Chapter two hundred and one of the acts of the year eighteen hundred and ninety-three, and section one of chapter eighty-eight of the acts of the year eighteen hundred and ninety-five are hereby repealed.

Repeal.

*Approved March 2, 1897.*

**Chap. 111** AN ACT TO REPEAL THE ACT TO PROHIBIT THE SHOOTING OF WILD FOWL IN THE WATERS IN AND AROUND NANTUCKET.

*Be it enacted, etc., as follows :*

1886, 246, repealed.

SECTION 1. Chapter two hundred and forty-six of the acts of the year eighteen hundred and eighty-six, entitled, "An Act to prohibit the shooting of wild fowl in the waters in and around Nantucket", is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

*Approved March 2, 1897.*

**Chap. 112** AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE LYMAN SCHOOL FOR BOYS.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit :—

Lyman school for boys.

For the payment of salaries, wages and labor at the Lyman school for boys, a sum not exceeding twenty-seven thousand dollars.

Expenses.

For current expenses at the Lyman school for boys, a sum not exceeding thirty-five thousand nine hundred and seventy-five dollars.

Agents.

For salaries and expenses of such agents as the trustees of the Lyman and industrial schools may deem necessary to employ, a sum not exceeding five thousand dollars.

Boarding out children.

For expenses in connection with boarding out children by the trustees of the Lyman and industrial schools, a sum not exceeding four thousand dollars.

Instruction of certain children.

For the education and instruction in the public schools in any city or town in the Commonwealth of children boarded or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding five hundred and seventy-six dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved March 4, 1897.*

AN ACT TO PROVIDE THAT STENOGRAPHIC REPORTS OF COMMITTEE *Chap.113*  
HEARINGS OF THE GENERAL COURT SHALL BE DEPOSITED IN THE  
STATE LIBRARY.

*Be it enacted, etc., as follows :*

The stenographic reports of all committee hearings of the general court shall be deposited in the state library on or before the end of the session at which said hearings were authorized ; but such reports of committee hearings held during a recess shall be so deposited before the convening of the next general court.

Stenographic reports of committee hearings to be deposited in state library.

*Approved March 4, 1897.*

AN ACT CONCERNING THE ANNUAL APPROPRIATION FOR THE STATE *Chap.114*  
LIBRARY.

*Be it enacted, etc., as follows :*

SECTION 1. The sum of six thousand five hundred dollars shall be annually appropriated for the state library and expended under the direction of the trustees and librarian thereof in purchasing or otherwise procuring such books, maps, charts and works as they deem most useful ; in binding and keeping in good condition the works in said library, and in purchasing furniture and other necessary conveniences therefor.

State library.

SECTION 2. Section one of chapter twenty-four of the acts of the year eighteen hundred and eighty-eight is hereby repealed.

Repeal.

*Approved March 4, 1897.*

AN ACT TO CHANGE THE NAME OF THE TRUSTEES OF THE NEWTON *Chap.115*  
CORNER METHODIST EPISCOPAL CHURCH.

*Be it enacted, etc., as follows :*

SECTION 1. Section one of chapter two hundred and sixty-three of the acts of the year eighteen hundred and ninety-six is hereby amended by inserting after the words "The name of the", in the first line, the words :— corporation heretofore known as The Trustees of the, — so as to read as follows :— *Section 1.* The name of the corporation heretofore known as The Trustees of the Newton Corner Methodist Episcopal Church is hereby changed to Newton Methodist Episcopal Church.

1896, 263, § 1, amended.

Name changed.

SECTION 2. Section two of said act is hereby amended by adding at the end thereof the words :— and all acts and proceedings of said corporation under either of said

1896, 263, § 2, amended.

names are hereby ratified and declared valid,—so as to  
*Gifts, bequests, etc.* read as follows : — *Section 2.* All gifts, grants, bequests and devises heretofore or hereafter made to said corporation under either of said names shall vest in said Newton Methodist Episcopal Church, and all acts and proceedings of said corporation under either of said names are hereby ratified and declared valid.

SECTION 3. This act shall take effect upon its passage.

*Approved March 4, 1897.*

**Chap.116** AN ACT TO AUTHORIZE CITIES AND TOWNS TO MAKE BY-LAWS AND ORDINANCES REGULATING THE USE OF SEWERS.

*Be it enacted, etc., as follows :*

*May make by-laws regulating use of sewers, etc.*

SECTION 1. Any city or town in the Commonwealth may make by-laws and ordinances, and affix penalties thereto not exceeding fifty dollars for one offence, regulating the use of the public sewers and the materials that may be emptied and deposited therein and connections that may be made therewith.

*Use of sewers may be restricted, etc.*

SECTION 2. Any court having jurisdiction may restrain any use of the public sewers or the placing and depositing of any materials therein or the making of any connections therewith contrary to the provisions of any by-law or ordinance made under the provisions of section one.

SECTION 3. This act shall take effect upon its passage.

*Approved March 5, 1897.*

**Chap.117** AN ACT RELATIVE TO CONCENTRATED COMMERCIAL FEED STUFFS.

*Be it enacted, etc., as follows :*

*Samples of concentrated feed stuffs may be taken, etc.*

SECTION 1. The director of the Hatch experiment station of the Massachusetts Agricultural College is hereby authorized and directed, in person or by deputy, to take samples not exceeding two pounds in weight from any lot or package of concentrated commercial feed stuff, used for feeding any kind of farm live stock, which may be in the possession of any manufacturer, importer, agent or dealer, cause the same to be analyzed for the amount of crude protein and crude fat contained therein, as well as for other ingredients if thought advisable, and cause the results of the analyses to be published from time to time in specially prepared bulletins, with such additional information as circumstances advise: *provided, however* that in publishing the results of the analyses the name

*Proviso.*



of the jobbers or local dealers selling the said feed stuffs shall not be used, but the commodity analyzed shall be identified and described by the name of the manufacturer and the commercial name or designation by which it is known in the trade.

SECTION 2. Whenever requested said samples shall be taken in the presence of the party or parties in interest or their representative, and shall in all cases be taken from a parcel or number of packages which shall not be less than five per cent. of the whole lot inspected, shall be thoroughly mixed and then divided into two equal samples and put in glass vessels and carefully sealed, and a label placed on each vessel stating the name or brand of the feed stuff or material sampled, the name of the manufacturer when possible, the name of the party from whose stock the sample was taken, and the time and place of taking; said label shall be signed by the director or his deputy and by the party or parties in interest or their representative, if present at the taking and sealing of the samples. One of said duplicate samples shall be retained by the director and the other by the party whose stock was sampled.

Taking of samples, etc.

SECTION 3. To defray the expenses of collecting and analyzing the samples and of publishing the results the sum of twelve hundred dollars shall be allowed and paid annually in semi-annual payments from the treasury of the Commonwealth into the treasury of the Massachusetts Agricultural College.

Expenses of collecting, etc.

SECTION 4. This act shall take effect on the first day of July in the year eighteen hundred and ninety-seven.

To take effect July 1, 1897.

*Approved March 5, 1897.*

AN ACT RELATIVE TO RETURNS OF FIRES.

*Chap. 118*

*Be it enacted, etc., as follows:*

SECTION 1. Every insurance company transacting business in this Commonwealth shall, upon receiving notice of loss by fire upon property in Massachusetts on which it is liable under a policy of insurance, forthwith notify the state fire marshal thereof, and no insurance upon any such property shall be paid by any company until one week after such notification.

Insurance companies to notify state fire marshal of receipt of notice of loss by fire.

SECTION 2. This act shall take effect upon its passage.

*Approved March 5, 1897.*

**Chap.119** AN ACT RELATIVE TO PREFERRED CLAIMS IN CASES OF INVOLUNTARY INSOLVENCY.

*Be it enacted, etc., as follows :*

Allowance may be made as preferred claim in certain cases of insolvency.

SECTION 1. Upon the petition of a creditor upon whose application a warrant in insolvency has issued in the court of insolvency against a debtor whose estate is in process of settlement in said court under chapter one hundred and fifty-seven of the Public Statutes and the acts in amendment thereof, and after notice to such debtor and his assignee, if one has been appointed, the court of insolvency may allow as a preferred claim against the estate of said debtor such sum of money, or any part thereof, as said creditor has actually paid for his expenses and for counsel fees incurred for services rendered in such application and in the legal proceedings connected therewith prior to the issuing of the warrant, provided the court deems the same just and reasonable and for the benefit of said estate. Such petition shall be verified by the oath of the creditor and of the counsel to whom such money was paid.

SECTION 2. This act shall take effect upon its passage.

*Approved March 5, 1897.*

**Chap.120** AN ACT RELATIVE TO THE MANAGEMENT OF INSOLVENT ESTATES.

*Be it enacted, etc., as follows :*

Business of debtor may be carried on in certain cases.

SECTION 1. Any court of insolvency may in its discretion, on sufficient cause shown, direct the messenger or assignee to carry on the business of the debtor or any part thereof, under the direction of the court, when in its judgment the interest of the estate as well as of the creditors will be promoted thereby.

SECTION 2. This act shall take effect upon its passage.

*Approved March 5, 1897.*

**Chap.121** AN ACT TO FURTHER DEFINE THE AUTHORITY OF THE METROPOLITAN PARK COMMISSION.

*Be it enacted, etc., as follows :*

May provide accommodations for bathing and boating, etc.

SECTION 1. The metropolitan park commission, created by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, may provide and maintain upon any land or reservations under its care, suitable accommodations for bathing and boating, and for the use

of the same may establish rules and regulations, and make reasonable charges, and the cost thereof, to an amount not exceeding one hundred thousand dollars, shall be paid from that portion of the Metropolitan Parks Loan reserved to sinking fund and other purposes by chapter five hundred and fifty of the acts of the year eighteen hundred and ninety-six.

SECTION 2. All sums of money hereafter collected or received by said commission, including sums received for rentals, sales, or use of property under its care, and all fines recovered for violations of law within the limits of the lands, roadways or boulevards under its care, shall be accounted for and paid to the treasurer and receiver general of the Commonwealth, and shall be placed by him to the credit of and added to the funds provided by law for meeting the expenses of said commission, and may be expended by said commission in addition to any loans or appropriations authorized for park purposes.

Money received to be applied to payment of expenses of commission.

SECTION 3. The police appointed or employed by said commission, in accordance with the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four and all acts in amendment thereof and in addition thereto, shall have within the metropolitan parks district all the powers of police officers and constables of cities and towns of this Commonwealth, except the power of serving and executing civil process, and when on duty may carry such weapons as said commission shall authorize.

Powers, etc., of police.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

*Approved March 5, 1897.*

AN ACT TO AUTHORIZE THE SUPREME COUNCIL OF THE HOME CIRCLE TO HOLD ITS ANNUAL MEETINGS WITHOUT THE COMMONWEALTH.

*Chap. 122*

*Be it enacted, etc., as follows:*

The Supreme Council of the Home Circle may hold its annual meetings in any state, the District of Columbia, or in any province in the Dominion of Canada wherein a council of said association is established; and its acts at such meetings shall have the same force and effect as if done within the Commonwealth.

May hold meetings without the Commonwealth.

*Approved March 5, 1897.*

**Chap.123** AN ACT TO AUTHORIZE THE CITY OF NORTH ADAMS TO ISSUE BONDS OR NOTES FOR THE PURPOSE OF ACQUIRING LAND, ERECTING PUBLIC SCHOOL BUILDINGS THEREON, CONSTRUCTING SEWERS AND REFUNDING ITS NOTES.

*Be it enacted, etc., as follows :*

School House,  
Sewer and  
Funding Loan  
of 1897.

SECTION 1. The city of North Adams may issue bonds or notes of the city to an amount not exceeding the aggregate principal sum of two hundred thousand dollars beyond the limit now prescribed by law, and in addition to all amounts hitherto authorized. Such bonds or notes shall be designated, School House, Sewer and Funding Loan of 1897, and be payable in not exceeding thirty years from their date, and bear interest at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer and countersigned by the mayor of the city.

Sinking fund.

SECTION 2. The city shall provide a sinking fund and shall contribute thereto sums raised annually by taxation which shall be sufficient with accumulations to pay at maturity the principal of any bonds or notes issued under this act; but if any of such bonds and notes shall be so payable that a portion thereof shall be due annually no sums need be paid into such fund in respect thereof.

Sale of bonds,  
etc.

SECTION 3. The city council may authorize the treasurer to sell any such bonds or notes, in his discretion, for not less than the par value thereof, or to pledge the same for borrowed money. The proceeds thereof shall be used to buy, acquire, take and pay for land for public school buildings, to erect, furnish and maintain public school buildings, construct public sewers, and to refund any or all its notes now outstanding.

Not to be in-  
cluded in deter-  
mining debt  
limit.

SECTION 4. No bonds or notes issued under this act shall be included in determining the limit of debt of the city.

SECTION 5. This act shall take effect upon its passage.

*Approved March 5, 1897.*

**Chap.124** AN ACT RELATIVE TO PROCEEDINGS AGAINST INSOLVENT CORPORATIONS.

*Be it enacted, etc., as follows :*

P. S. 157, § 186,  
amended.

SECTION 1. Section one hundred and thirty-six of chapter one hundred and fifty-seven of the Public Statutes is hereby amended by inserting after the word "cor-

poration", in the first line, the words :— whether domestic or subject to the provisions of chapter three hundred and twenty-one of the acts of the year eighteen hundred and ninety, — by inserting after the word "law", in the seventh line, the words :— or if a corporation removes any part of its property from the state, with intent to defraud its creditors, or conceals any part of its property to prevent its being attached or taken on legal process, or procures its property to be attached or taken on any legal process, — by inserting after the word "thereof", in the ninth line, the words :— or stops or suspends and does not resume payment of its commercial paper within a period of fourteen days, — by inserting after the word "may", in the eleventh line, the words :— within ninety days thereafter, — so as to read as follows :— *Section 136.* If a corporation, whether domestic or subject to the provisions of chapter three hundred and twenty-one of the acts of the year eighteen hundred and ninety, whose goods or estate are attached on mesne process in a civil action founded on a contract for the sum of one hundred dollars or upwards, which is in its nature provable under this chapter, does not within fourteen days from the return day of the writ, if the term of the court to which the process is returnable so long continues, or on or before the last day of the term if the same sooner ends, dissolve the attachment in the manner provided by law, or if a corporation removes any part of its property from the state, with intent to defraud its creditors, or conceals any part of its property to prevent its being attached or taken on legal process, or procures its property to be attached or taken on any legal process, or if a corporation makes a fraudulent payment, conveyance, or transfer of its property or any part thereof, or stops or suspends and does not resume payment of its commercial paper within a period of fourteen days, any of its creditors whose claims provable against its estate amount to one hundred dollars may, within ninety days thereafter, apply by petition to the judge for the county in which the corporation is established, setting forth the facts and the nature of their claims, verified by oath, and praying that its estate may be seized and distributed according to the provisions of this chapter; and thereupon, after notice of the presentment of the petition given to the corporation by a copy thereof served on its president, treasurer,

Proceedings  
against insol-  
vent corpora-  
tions.

or clerk, thirty days at least before the return day of the notice, and a hearing of the petitioners and corporation, or after default of the corporation to appear at the time and place in the notice appointed, if the facts set forth in the petition appear to be true, the judge shall forthwith issue his warrant to take possession of the estate of the corporation; and such further proceedings shall be had thereon as upon a warrant issuing upon the petition of a corporation under section one hundred and twenty-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved March 5, 1897.*

**Chap.125** AN ACT TO RELIEVE THE TOWN OF AMESBURY FROM ALL CHARGES ON ACCOUNT OF ROCKS BRIDGE.

*Be it enacted, etc., as follows :*

Maintenance of  
Rocks bridge.

SECTION 1. The town of Amesbury shall be hereafter relieved of all charges on account of Rocks bridge. The county commissioners of Essex county shall, as soon as may be after the passage of this act, proceed to reappportion the cost of maintenance of said bridge upon such cities and towns as receive direct and specific benefit from the use of said bridge.

SECTION 2. This act shall take effect upon its passage.

*Approved March 5, 1897.*

**Chap.126** AN ACT RELATIVE TO PAYMENTS BY COLLECTORS OF TAXES IN TOWNS AND TO THE INSPECTION OF THEIR BOOKS.

*Be it enacted, etc., as follows :*

Collectors of  
taxes to pay  
monthly to  
treasurer  
moneys re-  
ceived.

SECTION 1. Every collector of taxes in any town shall pay over to the town treasurer on or before the fifth day of each and every month the moneys received by such collector during the preceding month on account of taxes.

To exhibit  
books, ac-  
counts, etc.,  
upon demand.

SECTION 2. Every collector of taxes in any town shall, upon demand by the board of selectmen of such town, exhibit to the selectmen, or to any person or persons whom they may designate, at any and all times during ordinary business hours, all of the books, accounts and vouchers of such collector of taxes relating to taxes committed to him for collection, and to his receipts and payments on account of taxes; and he shall give to the selectmen, or any person designated by them, full oppor-

tunity to examine all of said books, accounts and vouchers, and to make copies and extracts therefrom.

SECTION 3. Any collector who fails to comply with the provisions of this act may be punished for every such failure by fine not exceeding three hundred dollars. Penalty.

*Approved March 5, 1897.*

AN ACT TO AUTHORIZE THE TOWN OF MELROSE TO INCUR ADDITIONAL INDEBTEDNESS FOR THE PURPOSE OF CONSTRUCTING A SYSTEM OF SEWERAGE.

*Chap. 127*

*Be it enacted, etc., as follows :*

SECTION 1. The town of Melrose, for the purpose of defraying the expense of laying, making and maintaining a system of main drains and common sewers, is hereby authorized to issue from time to time as may be required therefor, in addition to the amount heretofore authorized, bonds, notes or scrip to an amount not exceeding one hundred thousand dollars. Such bonds, notes or scrip shall be denominated on the face thereof, Melrose Sewerage Loan, Act of 1897 ; shall be payable at the expiration of periods not exceeding thirty years from the date of issue ; shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer and countersigned by the sewer commissioners of said town. Said town may sell such securities or any part thereof from time to time at public or private sale ; but none of said bonds, notes or scrip shall be issued or sold except in compliance with the vote of said town, nor for less than the par value thereof. Melrose Sewerage Loan, Act of 1897.

SECTION 2. The said bonds shall not be included or reckoned in determining the authorized limit of indebtedness of the town of Melrose. Not to be included in determining debt limit.

SECTION 3. This act shall take effect upon its passage.

*Approved March 5, 1897.*

AN ACT RELATIVE TO THE DUTIES AND LIABILITIES OF COUNTY TREASURERS AND TO THE BORROWING OF MONEY BY COUNTIES.

*Chap. 128*

*Be it enacted, etc., as follows :*

SECTION 1. Section one of chapter twenty-three of the Public Statutes is hereby amended by striking out all of said section and inserting in place thereof the following : — P. S. 23, § 1, amended.

Section 1. All county treasurers hereafter elected, except in the county of Suffolk, shall be sworn before the county County treasurers to be sworn and to give bond.

commissioners of their respective counties, and due record thereof shall be made by such commissioners. Each county treasurer shall give bond to the county, with sufficient sureties and in such penal sum as the commissioners shall direct, for the faithful discharge of the duties of his office. Such bond shall be in a form to be approved by the attorney-general of the Commonwealth, and an attested copy thereof, with a certificate of the county commissioners that the original is in their possession, shall be filed with the secretary of the Commonwealth within one week after its approval by the county commissioners. Suit upon such bond may be brought in the name and for the benefit of the county, either by the county commissioners of such county or by the attorney-general of the Commonwealth.

P. S. 26, § 10,  
amended.

SECTION 2. Section ten of chapter twenty-three of the Public Statutes is hereby amended by adding at the end thereof the following:— Each county treasurer shall be personally liable for any sum of money paid by him for any purpose, except payments specifically required by law, unless there is an unexpended balance of an appropriation made for such purpose sufficient for such payment, and shall be personally liable for any sum of money paid by him without the voucher and certificate required by law; but this section shall not prevent county officers from continuing the several departments of service under their charge after the close of the financial year, until the pleasure of the general court is made known, at the rate of expenditure authorized by the appropriation of the previous year: *provided, however*, that no new or unusual expense shall be incurred or permanent contract made or salary increased until an appropriation sufficient to cover the necessary expense thereof has been made by the general court, — so as to read as follows:— *Section 10.* A county treasurer may require in writing of any county officer rendering an account against the county for payment a written statement showing the chapter and section of the statute authorizing such payment or any part thereof, and if said requirement is made, payment of the account shall be withheld by the treasurer until it is complied with, and said statement, when received, shall be filed with the other vouchers; and the county treasurers shall be personally liable for any sum of money paid by them to a county officer without authority of law. Each

Written statement may be required of officers rendering accounts against county.



county treasurer shall be personally liable for any sum of money paid by him for any purpose, except payments specifically required by law, unless there is an unexpended balance of an appropriation made for such purpose sufficient for such payment, and shall be personally liable for any sum of money paid by him without the voucher and certificate required by law ; but this section shall not prevent county officers from continuing the several departments of service under their charge after the close of the financial year, until the pleasure of the general court is made known, at the rate of expenditure authorized by the appropriation of the previous year : *provided, however,* that no new or unusual expense shall be incurred or permanent contract made or salary increased until an appropriation sufficient to cover the necessary expense thereof has been made by the general court.

County treasurers to be personally liable for money paid for certain purposes, etc.

Providio.

SECTION 3. Section twenty-six of chapter twenty-three of the Public Statutes is hereby amended by striking out all of said section and inserting in place thereof the following : — *Section 26.* County commissioners may incur debts for temporary loans in anticipation of and to be paid from the taxes, when collected, of the year in which such debts are incurred. Such debts shall not in any year exceed the amount of the current annual tax, and until the annual tax is granted by the general court shall not exceed the amount of the previous annual tax. County commissioners may issue the note or notes of the county for such loans, bearing interest at such rate as may be necessary. Such note or notes shall be signed by the treasurer and countersigned by a majority at least of the county commissioners ; shall be expressly made payable from the taxes of the year in which they were issued ; shall become due and payable within one year from the incurring of the debt for which they are issued ; and shall not be sold at less than par. Except as herein provided neither county commissioners nor county treasurers, except in Suffolk and Nantucket counties, shall have authority to borrow money or negotiate loans upon the credit of the county, unless specially authorized to do so, for any particular purpose, by the legislature.

P. S. 23, § 26, amended.

County commissioners may incur debts for temporary loans, issue notes, etc.

SECTION 4. Section one of chapter two hundred and six of the acts of the year eighteen hundred and ninety is hereby amended by inserting after the word " orders ", in the second line, the words : — bear the signatures of a

1890, 206, § 1, amended.

Orders drawn  
on county  
treasurer to be  
certified by  
clerk, etc.

majority at least of the county commissioners and, — so as to read as follows: — *Section 1.* County treasurers shall pay no orders drawn by the county commissioners unless such orders bear the signatures of a majority at least of the county commissioners and are duly certified by the clerk of the commissioners; and clerks of county commissioners shall certify no orders so drawn to county treasurers until such orders are duly recorded as provided in section seven of chapter twenty-three of the Public Statutes.

*Approved March 5, 1897.*

**Chap. 129** AN ACT RELATIVE TO THE EXAMINATION AND CERTIFICATION OF THE ACCOUNTS OF COUNTY TREASURERS.

*Be it enacted, etc., as follows:*

1890, 380, § 3,  
amended.

Section three of chapter three hundred and eighty of the acts of the year eighteen hundred and ninety is hereby amended by inserting after the word "correct", in the third line, the words: — and accompanied by vouchers in which are stated in detail the items of each bill or account, and such vouchers confirm and sustain such bills and accounts; and if, in case of all payments in excess of eight hundred dollars, the provisions of section twenty-two of chapter twenty-two of the Public Statutes as amended are found to have been complied with, — and by adding at the end thereof the words: — If such accounts are found to be incorrect or not accompanied by proper vouchers the controller shall, unless the inaccuracy or deficiency is promptly corrected, notify in writing the county commissioners of the county and the attorney-general of the Commonwealth, and shall also include a full statement of the matter in his next annual report, — so as to read as follows: — *Section 3.* When the controller of county accounts makes the examination of the accounts of county treasurers required by law, if the same are found to be correct, and accompanied by vouchers in which are stated in detail the items of each bill or account, and such vouchers confirm and sustain such bills and accounts; and if, in case of all payments in excess of eight hundred dollars, the provisions of section twenty-two of chapter twenty-two of the Public Statutes as amended are found to have been complied with, he shall so certify on the cash books of the treasurers and shall set forth at length the amount of the balance existing on the day that the examination is com-

Examination,  
etc., by con-  
troller of county  
accounts.

pleted. If such accounts are found to be incorrect or not accompanied by proper vouchers the controller shall, unless the inaccuracy or deficiency is promptly corrected, notify in writing the county commissioners of the county and the attorney-general of the Commonwealth, and shall also include a full statement of the matter in his next annual report.

*Approved March 5, 1897.*

AN ACT IMPOSING PENALTIES FOR THE VIOLATION OF DUTIES IMPOSED BY LAW UPON COUNTY OFFICERS.

*Chap.130*

*Be it enacted, etc., as follows:*

SECTION 1. For every wilful violation of any duty imposed by law upon county commissioners, or upon the clerk of the county commissioners, or upon the county treasurer of any county, such county commissioners, clerk or treasurer as may be adjudged guilty of such violation shall forfeit not less than fifty nor more than one thousand dollars.

Penalties imposed upon certain county officers.

SECTION 2. The forfeiture provided in this act may be recovered in an action of tort brought by the attorney-general, to the use of the county.

Recovery of forfeiture.

SECTION 3. Nothing in this act shall be construed to relieve the persons mentioned therein from any liability to which they are now subjected by law.

Certain liabilities not affected.

SECTION 4. Section twenty of chapter twenty-three of the Public Statutes is hereby amended by striking out the last sentence thereof, so as to read as follows:—

P. S. 23, § 20, amended.

*Section 20.* At the close of every year each county treasurer shall render his account to the county commissioners, and shall account with them for all money received and paid by him in behalf of the county; and when the account is approved and allowed, it shall be delivered by him to the clerk of the commissioners.

Treasurer to render annual account to county commissioners.

SECTION 5. Section twenty-three of chapter twenty-three of the Public Statutes is hereby repealed.

Repeal.

*Approved March 5, 1897.*

AN ACT RELATIVE TO SUITS ON BONDS OF EXECUTORS, ADMINISTRATORS, GUARDIANS AND TRUSTEES.

*Chap.131*

*Be it enacted, etc., as follows:*

Section nineteen of chapter one hundred forty-three of the Public Statutes is hereby amended by striking out the words "supreme judicial court", in the second line, and

P. S. 143, § 19, amended.

Suits upon  
bonds to be  
brought in  
superior court.

inserting in place thereof the words : — superior court, — so as to read as follows : — *Section 19.* Every suit on a bond of an executor, administrator, guardian, or trustee shall be brought in the superior court held for the county in which the bond was taken.

*Approved March 5, 1897.*

**Chap.132** AN ACT TO AUTHORIZE TOWNS TO APPROPRIATE MONEY FOR THE PAYMENT OF THE CHARGES OF INSURANCE COMPANIES AS SURETIES ON BONDS OF TOWN OFFICIALS.

*Be it enacted, etc., as follows :*

Sureties on  
bonds of town  
officials.

SECTION 1. Any town may at a legal town meeting vote to raise and appropriate money to pay a proper charge of an insurance company for acting as surety on the official bond given to such town by any of its officers for the faithful discharge of their duties. The selectmen of such town may accept an insurance company as sufficient surety upon such bond ; but no insurance company shall be so accepted unless it is qualified to do business in this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

*Approved March 5, 1897.*

**Chap.133** AN ACT MAKING APPROPRIATIONS FOR EXPENSES IN CONNECTION WITH ENFORCING THE LAW TO REGULATE THE PRACTICE OF PHARMACY.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit : —

Complaints  
against regis-  
tered pharma-  
cists.

For expenses in connection with carrying out the law relative to complaints against registered pharmacists, a sum not exceeding two thousand dollars.

Granting of  
licenses to sell  
intoxicating  
liquors.

For the payment of all necessary expenses in connection with carrying out the law relative to granting licenses to druggists and apothecaries to sell intoxicating liquors, a sum not exceeding five thousand dollars.

Sale of poisons.

For expenses in connection with carrying out the laws relative to the sale of poisons, a sum not exceeding five hundred dollars : *provided, however, that any unexpended*

Proviso.

balance of the amounts herein authorized for carrying out the law relative to complaints against registered pharmacists and the payment of necessary expenses in connection with carrying out the law relating to granting licenses to druggists, etc., may be used for the same purpose.

SECTION 2. This act shall take effect upon its passage.

*Approved March 6, 1897.*

AN ACT RELATIVE TO THE BOARD OF LIBRARY COMMISSIONERS.

*Chap.134*

*Be it enacted, etc., as follows :*

SECTION 1. The board of library commissioners created by chapter three hundred and forty-seven of the acts of the year eighteen hundred and ninety shall hereafter be designated, The Board of Free Public Library Commissioners.

The Board of Free Public Library Commissioners.

SECTION 2. Two thousand copies of the report of said board shall be annually printed as one of the public document series.

Copies of report.

*Approved March 6, 1897.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF TEMPORARY GUARDIANS.

*Chap.135*

*Be it enacted, etc., as follows :*

SECTION 1. Whenever an appeal shall be taken from the decision of the probate court appointing a guardian of a minor or an insane person said court may, upon the petition of any friend or person in interest, with or without notice, appoint a temporary guardian ; and in case of appeal from such appointment such temporary guardian shall nevertheless proceed in the execution of his duties until otherwise ordered by the supreme court of probate.

Temporary guardian may be appointed in certain cases.

SECTION 2. Such temporary guardian shall, until otherwise ordered, or until his removal or the appointment of a permanent guardian, have the same powers and perform the same duties with regard to the person and estate of the ward as permanent guardians, and may be decreed the custody of the person of minors if the court finds the parent or parents unfit to have such custody, or if it finds one of them unfit therefor and the other consents to such custody by the temporary guardian.

Powers and duties.

SECTION 3. Such temporary guardian before entering on the duties of his trust shall give bonds with sufficient sureties, in such sum as the court may order, payable to the judge of probate and his successors, and with condition that he will make and return to the probate court

To give bonds, etc.

within such time as it shall order, a true inventory of all the personal estate of the ward which at the time of making such inventory shall have come to his possession or knowledge, and that he will, whenever required by the probate court, truly account on oath for all the estate of the ward that may be received by him as such temporary guardian, and will deliver the same to any person who may be appointed guardian or may be otherwise lawfully authorized to receive the same.

SECTION 4. This act shall take effect upon its passage.

*Approved March 6, 1897.*

**Chap.136** AN ACT TO AUTHORIZE THE SALE OF ESTATES SUBJECT TO REMAINDER OR REVERSION.

*Be it enacted, etc., as follows :*

1895, 183, § 1,  
amended.

Real estate subject to a vested remainder or reversion may be sold, etc.

SECTION 1. Section one of chapter one hundred and eighty-three of the acts of the year eighteen hundred and ninety-five is amended by striking out in the second line, the words “the supreme judicial court”, and by inserting in place thereof the words:—or reversion, the probate court having jurisdiction where said estate is situated, — and by inserting, in the fourth line, after the word “remainder”, the words:—or reversion, — so as to read as follows:— *Section 1.* When real estate is subject to a vested remainder or reversion, the probate court having jurisdiction where said estate is situated may, upon the petition of any person who has either an estate in possession or the remainder or reversion in such real estate, and after notice and other proceedings as hereinafter required, appoint one or more trustees, and authorize him or them to sell and convey such estate, or any part thereof, in fee simple, if such sale and conveyance appear to the court to be necessary or expedient; and such conveyance shall be valid and binding upon all persons.

SECTION 2. This act shall take effect upon its passage.

*Approved March 6, 1897.*

**Chap.137** AN ACT TO FURTHER DEFINE THE POWERS AND DUTIES OF COUNTY COMMISSIONERS.

*Be it enacted, etc., as follows :*

P. S. 22, § 20,  
amended.

SECTION 1. The first paragraph of section twenty of chapter twenty-two of the Public Statutes is hereby amended by adding thereto, after the word “county”,

at the end thereof, the words :— but no money shall be paid or liability incurred for erecting such buildings in excess of the amount specifically authorized by the general court therefor, or, except in case of emergency, for the repairing of such buildings in excess of the amount authorized by the general court for the repairs of county buildings, — so as to read as follows :— *Section 20.* County commissioners shall have authority, — First, to provide for erecting and repairing court houses, jails, and other necessary public buildings, within and for the use of their county ; but no money shall be paid or liability incurred for erecting such buildings in excess of the amount specifically authorized by the general court therefor, or, except in case of emergency, for the repairing of such buildings in excess of the amount authorized by the general court for the repairs of county buildings.

County commissioners may provide for erecting and repairing certain public buildings.

**SECTION 2.** Section twenty-two of chapter twenty-two of the Public Statutes is hereby amended by striking out all of said section and inserting in place thereof the following :— *Section 22.* All contracts made by the commissioners for building, altering, furnishing or repairing public buildings, or for the construction of public works, or for the purchase of supplies, shall, if exceeding eight hundred dollars in amount, be made in writing, after notice for proposals therefor has been published at least three times in some newspaper published in the city or town interested in the work contracted for, if any newspaper is there published, otherwise in the newspaper of most general circulation in the county, and posted in a conspicuous place in the county court houses in such county for at least one week. The county commissioners shall, in each case, make a certificate under oath of such publication and posting, which certificate shall be filed with the county treasurer, to be kept by him as a voucher in the manner prescribed by law. All proposals shall be publicly opened in the presence of a majority of the county commissioners, and a record thereof shall be made upon the record of the county commissioners. In case of emergency however repairs may be contracted for without such advertisement or posting. The county commissioners shall certify to the existence of such emergency upon the orders to the county treasurer for payment of all bills for such repairs.

P. S. 22, § 22, amended.

Certain contracts to be made in writing, etc.

Certain contracts to be made in writing, etc.

All contracts made under the provisions of this section, and all changes in, or additions to, or agreements or orders for extras under such contract, shall be in writing, and recorded in a book to be kept for the purpose with the records of the county. No contract made in violation of the provisions of this section shall be valid against the county, and no payment thereon shall be made from the county treasury. Nothing contained in this section shall be construed to prevent county commissioners from causing county buildings to be repaired by day work, whenever, in the unanimous judgment of the board, to be expressed in a vote, the best interests of the county require such a course; but no bill in excess of eight hundred dollars for repairs done by day work shall be paid by the county treasurer unless such a vote appears upon the records of the county commissioners.

*Approved March 6, 1897.*

**Chap. 138** AN ACT RELATIVE TO THE DIVISION OF SEWER ASSESSMENTS ON REAL ESTATE DIVIDED SUBSEQUENT TO THE MAKING OF THE ASSESSMENT.

*Be it enacted, etc., as follows:*

Certain sewer assessments, etc., may be divided.

SECTION 1. When real estate has become subject to a lien for a sewer assessment and such real estate has been subsequently divided by sale, mortgage or otherwise, so that said lien affects the estates owned in severalty by two or more persons, the assessors of the city or town in favor of which such lien exists, at any time before any proceedings have been taken to enforce such lien, shall, upon the written request of the owner in fee or in mortgage, of any portion thereof, divide said sewer assessment and the costs, and interest accrued thereon among the several parcels into which said real estate has been divided, assessing upon each parcel the respective proportion of the amount due which said parcel would have borne of the original assessment at the time of such assessment and upon the basis of the general scheme upon which such assessment was laid.

Request for division to be accompanied by plan.

SECTION 2. The written request for such division shall be accompanied by a plan sufficient for the identification of the division of the whole estate subject to such lien, with the names of the different owners thereof.

Notice to be sent to persons interested.

SECTION 3. Notice of the request and of the time appointed for such division shall be sent by mail by the



assessors to all persons interested in said real estate whose addresses are known to them and who may not have waived such notice.

SECTION 4. Any person aggrieved by any action of the assessors under this act may, within seven days thereafter, appeal to the board to whom appeal may be made in case of original assessment, and the action of said board upon such an appeal shall be final.

Persons aggrieved may appeal to board, etc.

SECTION 5. In case such assessment is divided, as herein provided, only the proportion of said assessment, interest and costs so apportioned upon each several parcel of said real estate shall be a lien thereon, and no one of such owners or mortgagors shall thereafter be liable for the assessment so apportioned upon any parcel not owned in whole or in part by him at the time of such apportionment, but said lien shall be valid and subsisting for the amount of each apportionment upon the several estates upon which it is apportioned.

In case of division only proportion of assessment, etc., to be a lien on real estate, etc.

SECTION 6. Where payment of a sewer assessment has been apportioned over a period of years and division thereof is made under this act the amount apportioned to each lot shall be payable upon the same conditions of time, interest and charge as the original assessment.

Payment of assessments.

SECTION 7. This act shall take effect upon its passage.

*Approved March 6, 1897.*

AN ACT RELATIVE TO A SYSTEM OF SEWERAGE FOR THE TOWN OF ANDOVER. *Chap. 139*

*Be it enacted, etc., as follows:*

SECTION 1. Section fifteen of chapter three hundred and eighty-six of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out all of said section and inserting in place thereof the following:—

1895, 386, § 15, amended.

Section 15. The state board of health, upon the application of the board of health or the board of selectmen of the town of North Andover, alleging the existence of a public nuisance or the pollution of the waters adjacent to said town, caused by the sewage of the town of Andover, to such a degree that the public health of said town of North Andover is endangered, shall appoint a time and place for a public hearing thereon, and shall give such notice thereof as said state board shall deem proper. After such hearing said state board, if in its judgment there is good reason to believe that a nuisance exists by

Abatement of nuisances in North Andover.

Enforcement  
of orders.

reason of the discharge of the sewage of the town of Andover, shall order the town of Andover to abate such nuisance, or to cleanse and purify its sewage before its effluent is discharged into the waters aforesaid, so that the public health shall not be endangered. Any court having jurisdiction in equity may, upon application of the board of selectmen or board of health of said town of North Andover, enforce the orders of said state board of health in the premises by any proper order or decree.

SECTION 2. This act shall take effect upon its passage.

*Approved March 8, 1897.*

### Chap.140

AN ACT FOR THE PROTECTION OF SMALL GAME ON CAPE ANN.

*Be it enacted, etc., as follows:*

Protection of  
small game on  
Cape Ann.

Whoever takes or kills a rabbit, grey squirrel or chipmunk, or any land bird, except the English sparrow, within the limits of that section of this Commonwealth bounded by Squam river, Ipswich bay, the Atlantic ocean, Massachusetts bay and Gloucester harbor, at any time within five years from the passage of this act, shall be punished by a fine of twenty dollars for every rabbit, squirrel, chipmunk or bird so taken or killed.

*Approved March 8, 1897.*

### Chap.141

AN ACT RELATIVE TO PRINTING CERTAIN PUBLIC DOCUMENTS.

*Be it enacted, etc., as follows:*

Printing of cer-  
tain public  
documents.

SECTION 1. There shall be printed annually on or before the assembling of the general court or as soon thereafter as possible the number of copies of documents and reports specified in the following list, to wit:—

Report of the trustees of the Massachusetts Agricultural College, five thousand copies, thirty-five hundred of which shall be for the use of said college; and of that portion of said report referring to the Hatch experiment station, twenty-five thousand extra copies, fifteen thousand of which shall be bound with the report of the secretary of the state board of agriculture, and eight thousand of which shall be for the use of said trustees.

Report of the tax commissioner, two thousand copies.

Report of the trustees of the Lyman and industrial schools, two thousand copies.

Report of the chief of the district police, two thousand copies.

Report of the board of cattle commissioners, fifteen hundred copies, four hundred of which shall be for the use of said board. Printing of certain public documents.

Report of the metropolitan park commission, four thousand copies.

Report of assessed polls and registered voters, by the secretary of the Commonwealth, twenty-five hundred copies.

Report of the board of registration in medicine, thirty-five hundred copies, of which twenty-five hundred shall be for the use of said board.

Report of the state dairy bureau, fifteen hundred copies.

Report of the commissioners of the nautical training school, fifteen hundred copies.

Report of the metropolitan water board, forty-five hundred copies.

Report of the board of police of the city of Fall River, fifteen hundred copies.

Report of the trustees of the Medfield insane asylum, fifteen hundred copies.

SECTION 2. So much of chapter three hundred and ninety-three of the acts of the year eighteen hundred and ninety-four as provides for printing the report of the board of control of the state agricultural experiment station, and so much of said act or any other act as is inconsistent with this act is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved March 10, 1897.*

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO INCUR ADDITIONAL INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF BUILDING A CITY HALL.

*Chap. 142*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Worcester, for the purpose of erecting a city hall, may incur indebtedness to an amount not exceeding three hundred and fifty thousand dollars in addition to the amount said city was authorized to borrow by chapter two hundred and ninety-three of the acts of the year eighteen hundred and ninety-four, and may from time to time by vote of the city council issue and sell negotiable notes, bonds or scrip therefor, signed by its treasurer and countersigned by its mayor, payable in periods not exceeding thirty years from the date of issue, and bearing interest at a rate not exceeding four per cent. per annum. May incur indebtedness beyond debt limit, issue bonds, etc.

Not to be considered in determining debt limit.

SECTION 2. The debt and loan authorized by this act, and the notes, bonds or scrip which may be issued therefor, shall not be considered or reckoned in determining the authorized limit of indebtedness of said city under the provisions of section four of chapter twenty-nine of the Public Statutes and of acts in amendment thereof or in addition thereto.

SECTION 3. This act shall take effect upon its passage.

*Approved March 10, 1897.*

**Chap.143** AN ACT RELATIVE TO THE CUSTODY OF SHADE TREES IN THE CITY OF LAWRENCE.

*Be it enacted, etc., as follows :*

Custody, etc., of shade trees in Lawrence.

SECTION 1. The park commissioners of the city of Lawrence shall have the custody, care and control of the shade trees in the streets, squares and public places of said city.

SECTION 2. This act shall take effect upon its passage.

*Approved March 10, 1897.*

**Chap.144** AN ACT RELATIVE TO THE APPOINTMENT OF ASSISTANT ASSESSORS IN THE CITY OF MALDEN.

*Be it enacted, etc., as follows :*

May appoint assistant assessors, etc.

SECTION 1. The board of assessors of the city of Malden is hereby authorized to appoint as many persons assistant assessors as there may be wards in said city at the time or times of appointment thereof; and said board is hereby authorized to appoint such other assistants and subordinates as it may deem necessary.

Powers, etc.

SECTION 2. The assistant assessors authorized to be appointed by this act shall be sworn and may exercise all of the powers and shall be subject to all of the liabilities and penalties of assistant assessors under existing laws.

SECTION 3. This act shall take effect upon its passage.

*Approved March 10, 1897.*

**Chap.145** AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE COMMISSIONERS ON INLAND FISHERIES AND GAME.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes

specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:—

For compensation and expenses of the commissioners on inland fisheries and game, a sum not exceeding thirty-five hundred dollars.

Commissioners on inland fisheries and game.

For the enforcement of laws, propagation and distribution of fish, running expenses, rent and maintenance of hatcheries, incidentals, printing and contingent expenses, propagation and protection of birds and animals, a sum not exceeding fifty-five hundred dollars.

Propagation and distribution of fish, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved March 10, 1897.*

AN ACT TO PROVIDE FOR PAYMENT INTO THE HARBOR COMPENSATION FUND OF CERTAIN RECEIPTS FROM SALES OF PUBLIC LANDS AND FLATS AND OF RIGHTS THEREIN.

*Chap. 146*

*Be it enacted, etc., as follows:*

SECTION 1. All receipts from the sales of public lands and flats, not specifically appropriated, and all receipts under the provisions of section sixteen of chapter nineteen of the Public Statutes, being for rights and privileges granted in the tide water lands of the Commonwealth, which under the provisions of section three of chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-four, section three of chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five and chapter eight of the resolves of the year eighteen hundred and seventy-two are now paid into the Troy and Greenfield Railroad Loan Sinking Fund, shall, on and after the first day of September in the year eighteen hundred and ninety-seven, be paid into the Harbor Compensation Fund, established under the provisions of chapter seventy-four of the acts of the year eighteen hundred and seventy-eight.

Certain receipts to be paid into Harbor Compensation Fund.

SECTION 2. This act shall take effect upon its passage.

*Approved March 10, 1897.*

AN ACT RELATIVE TO THE APPOINTMENT OF APPRAISERS IN PROCEEDINGS BEFORE PROBATE COURTS.

*Chap. 147*

*Be it enacted, etc., as follows:*

SECTION 1. In any case before a probate court when it becomes necessary to appraise property, said court, or

Appraisers in proceedings before probate courts.

the register thereof, may appoint only one appraiser whenever in their opinion the nature of the estate makes it advisable.

Repeal.

SECTION 2. Chapter two hundred and ten of the acts of the year eighteen hundred and ninety-six is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved March 10, 1897.*

**Chap. 148** AN ACT TO LESSEN THE BURDEN OF TAXATION UPON CERTAIN DISABLED SOLDIERS AND SAILORS AND THE WIVES OF SUCH SOLDIERS AND SAILORS.

*Be it enacted, etc., as follows:*

Certain property of disabled soldiers and sailors, etc., exempt from taxation.

SECTION 1. The property of the following classes of persons shall be exempt from taxation to the amount of two thousand dollars in the case of each person, provided the whole estate, real and personal, of the person so exempted does not exceed in value the sum of five thousand dollars, exclusive of property otherwise exempted under the provisions of law. First. Soldiers and sailors who served in the military or naval service of the United States in the war of the rebellion and who were honorably discharged therefrom, and who, by reason of injury received or disease contracted while in such service and in the line of duty, lost the sight of both eyes, or lost the sight of one eye, the sight of the other having been previously lost, or who lost one or both feet, or one or both hands. Second. Soldiers and sailors who served as aforesaid and were honorably discharged as aforesaid, and who, as the result of disabilities contracted while in such service and in the line of duty, have become permanently incapacitated for the performance of manual labor to an extent equivalent, in the judgment of the assessors, to the loss of a hand or foot. Third. Wives of soldiers or sailors who would be entitled to exemption under either of the two preceding paragraphs.

Pension certificate to be evidence of incapacity, etc.

SECTION 2. The certificate of the granting of a pension to any soldier or sailor by the United States for any injury or incapacity mentioned in the preceding section shall, while such pension continues, be sufficient evidence of the receiving of such injury or incapacity. The board of assessors may however receive other evidence. A person aggrieved by the finding or judgment of the assessors under this act may appeal to the county commissioners within the

time and in the manner allowed by law for appeals in respect to an abatement of taxes.

SECTION 3. Chapter two hundred and two of the acts of the year eighteen hundred and ninety-five is hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

*Approved March 11, 1897.*

AN ACT RELATIVE TO THE EXTENSION OF DAKOTA STREET IN THE CITY OF BOSTON.

*Chap.149*

*Be it enacted, etc., as follows :*

SECTION 1. The board of street commissioners of the city of Boston are hereby authorized to locate, in addition to the highways now located therein upon plans marked X eighteen and twenty-three, filed by the board of survey in the office of the city surveyor, an extension of Dakota street, as shown on plans, to Washington street.

Street commissioners may locate an extension of Dakota street.

SECTION 2. This act shall take effect upon its passage.

*Approved March 11, 1897.*

AN ACT TO INCORPORATE THE SUMNER SAVINGS BANK.

*Chap.150*

*Be it enacted, etc., as follows :*

SECTION 1. John McWeeny, Charles T. Witt, Andrew P. Fisher, Frank C. Wood, Richard F. Keough, Charles H. Cochran, Horace E. Bragdon, Horace B. Butler, Frank N. Whitehouse, William J. Rausch, Edgar P. Lewis, John H. Sullivan, Albert F. Low, George M. Porter, Joseph Goldinger, Henry D. Huggan, August Rausch and John J. Corrigan, their associates and successors, are hereby made a corporation by the name of the Sumner Savings Bank, with authority to establish and maintain a savings bank in that part of the city of Boston known as East Boston ; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to savings banks and institutions for savings.

Sumner Savings Bank incorporated.

SECTION 2. This act shall take effect upon its passage.

*Approved March 11, 1897.*

AN ACT RELATIVE TO ASSESSMENTS, RENTS AND CHARGES FOR THE CONSTRUCTION AND USE OF SEWERS.

*Chap.151*

*Be it enacted, etc., as follows :*

SECTION 1. Section two of chapter two hundred and fifty-one of the acts of the year eighteen hundred and

1896, 251, § 2, amended.

Assessments,  
etc., may bear  
interest.

ninety-six is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 2.* A city by its city council, and a town at any town meeting, may vote that all assessments on account of the construction of sidewalks, and all assessments, rents and charges on account of the construction and use of sewers shall bear interest at a specified rate, not exceeding seven per cent. per annum, from the thirtieth day after such assessments, rents or charges become due until paid; and the interest accruing under such vote or votes shall be added to and be a part of such assessments, rents and charges.

SECTION 2. This act shall take effect upon its passage.

*Approved March 11, 1897.*

**Chap. 152** AN ACT RELATIVE TO DRAINS AND WATER COURSES IN THE CITY OF WALTHAM.

*Be it enacted, etc., as follows:*

City of  
Waltham may  
take certain  
lands, water  
courses, etc.

SECTION 1. The city of Waltham, by its board of aldermen, may from time to time acquire by purchase or take in fee land or lands within said city, not exceeding one hundred and thirty feet in width, at or in the vicinity of any stream or water course, and the course, or any part of the course, of said stream or water course may be changed so as to be included within the taking; and the said city may, within its limits, enter upon and clear of obstructions, and may improve, widen, deepen, straighten or change the course or channel of any stream or water course, and may cover, pave or enclose in retaining walls any stream or water course, or any part or parts of any stream or water course. For the purpose of carrying out the provisions of this act and of making any of the aforesaid changes said city may enter into and upon any land, street or way, and may do the work thereon necessary therefor; and may make such improvements on the land taken or purchased as above-provided for as shall be deemed necessary for the protection of the public health and for protecting any stream or water course from pollution, and for providing a sufficient channel to carry off storm water; and may construct such walks or ways thereon as the board of aldermen of said city may determine that public convenience and necessity require.

Description of  
land to be  
recorded, etc.

SECTION 2. The taking of land for the purposes aforesaid shall be made in the manner required by law in cases



where land is taken for highways. The order for such taking shall not be valid without the approval of the mayor. The city clerk of said city, within sixty days from the date of the approval by the mayor of any such order, shall file and cause to be recorded in the registry of deeds for the Middlesex southern district a description of the land so taken, sufficiently accurate for identification, with a statement of the purpose for which such lands were taken.

SECTION 3. All claims for damages sustained by the taking of lands under this act, otherwise than by purchase, or by the entering upon land or upon any brook or stream, and the doing thereon of the acts herein authorized, if the person claiming said damages fails to agree with said city as to the amount of damages sustained, shall be ascertained, determined and recovered in all respects in the manner now provided by law in the case of land taken for highways: *provided*, that in estimating the damages sustained by any person by the taking of his land, or by any of the acts done by virtue of this act, there shall be allowed by way of set-off the benefit, if any, to the property of such person by reason thereof and the improvements thereon made.

Damages.

Proviso.

SECTION 4. This act shall take effect upon its passage.

*Approved March 11, 1897.*

AN ACT RELATIVE TO ESTIMATES FOR COUNTY TAXES AND THE EXPENDITURE OF MONEY BY COUNTIES.

Chap.153

*Be it enacted, etc., as follows:*

SECTION 1. The books of the county treasurers, except in Suffolk county, shall be kept in the form prescribed by the controller of county accounts.

County treasurers' books.

SECTION 2. The financial year of the counties, except Suffolk county, shall be the same as the calendar year, but the books of the several county treasurers shall be kept open until the tenth day of January in each year for the payment of bills incurred and salaries earned during the previous year. Immediately after the first day of January in each year the county treasurer of each county, except Suffolk, shall pay to every officer in his county who has not drawn the full amount of his salary for the previous year the balance due and unpaid.

Financial year, payment of certain bills, etc.

SECTION 3. Immediately after the tenth day of January in each year the county treasurer of each county,

Annual report of county treasurer.

Annual report  
of county  
treasurer.

except Suffolk, shall prepare for publication a report of the receipts and expenditures of the county for the previous financial year, stated separately, under the same heads prescribed by the controller of county accounts for keeping the county treasurer's books, giving objects of payments. Such statement shall contain in detail the name of every person who pays money to the treasurer, and of every person except witnesses to whom money is paid by the treasurer, and the amounts so paid by or to such persons under the appropriate classification. Said report of the treasurer shall also contain a table setting forth the appropriation made by the general court for each specific object, the amount which has been expended out of each specific appropriation, the unexpended balance of each specific appropriation, and, if the payments from any appropriation have exceeded such appropriation, the amount of such excess.

Annual report  
of county com-  
missioners.

SECTION 4. Immediately after the tenth day of January in each year the county commissioners for each county, except Suffolk, shall prepare a report upon the affairs of the county, to be printed with the county treasurer's report provided for in section three of this act. They shall, in their annual report, state what action they have taken in the year preceding, in such manner as to give the taxpayers of the county a full and clear understanding of the affairs of the county, and of the objects and methods of county expenditures, referring however to the report of the county treasurer for specific details. In regard to highways they shall state specifically what petitions have been received, and what highways have been laid out, altered, relocated or discontinued, the manner in which such new highways or alterations are to be made, the time within which they are to be completed, also what have been completed and at what cost, and at whose expense, and what remain to be completed, what damages or betterments have been estimated or awarded and to whom; what damages have been paid out and what suits are pending in relation thereto. They shall also state what highways or parts of highways they have laid out under the provisions of law authorizing the assessment of betterments, and what sums have been reimbursed to the county as betterments. They shall in like manner state their action in regard to town ways and private ways. In regard to state highways they shall state what

applications they have made to the Massachusetts highway commission, and, so far as they are able to ascertain, what highways have been laid out within the county by the state highway commission, what have been constructed, and at what expense. They shall also state what sums expended by the Commonwealth in the county for highways have been repaid by said county to the Commonwealth, and what sums remain to be paid, and at what times. They shall also make a detailed statement of the repairs upon the several county buildings, stating separately the work done by contract and the work done by day work, and the money paid, and the liabilities incurred in the construction of new buildings. They shall also present a table showing the salaries paid to county officials, separating those prescribed by law from others. They shall also include in their report a statement of the county debt, specifying the length of time which the several obligations, if any, have to run, and the rates of interest paid thereon, separating the loan made in anticipation of taxes from the permanent loan; also a statement of the amount of county taxes due and unpaid at the time of making said report, and a list of the assets of the county, including land, buildings, law library, furniture in court houses, jails and other public buildings.

Annual report  
of county  
commissioners.

SECTION 5. The county treasurer of each county, except Suffolk, shall cause the report of the county commissioners to be published and bound up with his own report in a form suitable for distribution and in sufficient numbers to furnish a copy for every three hundred inhabitants of the county, and shall send a copy to the controller of county accounts and to the mayor of each city, and to the selectmen of each town in the county, and shall cause other copies to be transmitted in proper proportions to the clerk of each city and town in the county, for the use of the inhabitants of such city and town.

Publication and  
distribution of  
reports.

SECTION 6. The county commissioners of each county, except Suffolk, shall annually prepare estimates of the receipts and expenditures, stated separately, of their several counties for the ensuing year, including estimates for the construction and repair of county buildings and their appurtenances. Said estimates shall be made in such form as the controller of county accounts shall direct, and upon blanks to be furnished by him. They shall be recorded by the clerk of the commissioners in a book kept for the

Estimates of  
receipts and  
expenditures.

purpose, and a copy thereof, signed by the presiding commissioner and attested by the clerk of the commissioners, shall be sent to the controller of county accounts by said clerk on or before the fifteenth day of January. Said controller shall analyze and classify said estimates, as nearly as possible upon a uniform basis, and report the same in print to the general court not later than the first day of February. He shall send a copy of said report to the mayor of each city and to the selectmen of each town in the Commonwealth.

Expenditure  
of money, ap-  
propriations.

SECTION 7. The expenditure of money by the several counties, except Suffolk county, shall be authorized by the general court by appropriation. Appropriations authorizing such expenditures shall be of two kinds, annual and special. There shall be a separate appropriation for each head of expenditure, as prescribed by the controller of county accounts. At the closing of the county treasurer's books on the tenth day of January in each year the balance, if any, to the credit of each annual appropriation shall lapse and become a part of the general unappropriated balance in the county treasury; but no special appropriation shall lapse until the work for which it was made is completed, the bills paid, and the account closed.

County tax.

SECTION 8. The amount which the county commissioners shall levy as the county tax shall be authorized by the general court annually, and shall be computed by adding together the amounts of the annual appropriation and of the new special appropriation, if any, (so far as the money therefor is to be raised by taxation and not by borrowing), and deducting from the sum thereof so much of the probable receipts from all sources, except loans, and of the unappropriated balance in the county treasury at the closing of the treasurer's books for the previous financial year, as may be deemed by the general court advisable.

Expenditure,  
etc., in excess  
of appropriation.

SECTION 9. No county expenditure shall be made nor liability incurred, nor bill paid for any purpose, in excess of the amount appropriated therefor, except as hereinafter provided.

Payment of  
certain debts  
when appro-  
priation is in-  
sufficient.

SECTION 10. Whenever the appropriation for any purpose is insufficient to meet any expenditure required by law the county treasurer may, on the order of the county commissioners, make payment for such legally required purpose out of any money in the county treasury. In all such cases however the county commissioners shall

cause to be placed on their records a statement of such payments, with the reasons in detail therefor, and shall report fully and specifically thereon in their next annual report.

**SECTION 11.** The county commissioners and other officers authorized to incur liabilities payable from the county treasury may, after the expiration of the financial year and before the making of the regular annual appropriations by the general court, incur liabilities and pay bills from any unappropriated balance in the treasury, for any purpose to an amount not exceeding one half the regular annual appropriation made for such purpose in the preceding year. Payments made therefor shall be charged to the regular annual appropriation when such appropriations are made.

Certain liabilities may be incurred, etc.

**SECTION 12.** The supreme judicial court, by mandamus or other appropriate remedy, upon the suit or petition of the attorney-general or of one or more taxable inhabitants of a city or town in any county, may compel the performance of any duties imposed upon the county commissioners, or upon the treasurer of each county, by this act, or by sections twenty and twenty-two of chapter twenty-two of the Public Statutes, or of sections seven and nine of chapter twenty-three of the Public Statutes, or by any amendments thereof, and may hear and determine any cause of complaint in equity when such remedy is more appropriate. Any justice of said court may, in term time or in vacation, issue injunctions and make such orders and decrees as may be necessary or proper to enforce the provisions of said sections and to restrain or prevent any violation thereof.

Enforcement of provisions.

**SECTION 13.** Nothing in this act shall be construed to affect in any way the special provisions of law applying to the counties of Suffolk and Nantucket.

Certain special provisions not affected.

**SECTION 14.** Section twenty-eight of chapter twenty-three of the Public Statutes, section one of chapter one hundred and forty-three of the acts of the year eighteen hundred and ninety-five, and all amendments thereto, sections one to five, inclusive, of chapter three hundred and fifty-seven of the acts of the year eighteen hundred and ninety-six, chapter one hundred and forty-one of the acts of the year eighteen hundred and ninety, and the last sentence of section five of chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four are hereby repealed.

Repeal.

*Approved March 12, 1897.*

**Chap.154** AN ACT TO AUTHORIZE AN ANNUAL PAYMENT OF TWENTY-FIVE DOLLARS TO THE NORTHWEST MIDDLESEX TEACHERS' ASSOCIATION.

*Be it enacted, etc., as follows :*

Certain sum  
may be paid  
annually to the  
Northwest  
Middlesex  
Teachers' Asso-  
ciation.

SECTION 1. In each year in which the Northwest Middlesex Teachers' Association holds an annual meeting of not less than one day, for the express purpose of promoting the interests of the public schools, it shall receive twenty-five dollars from the Commonwealth, upon filing with the governor a certificate, under oath, of its president and secretary that a meeting has been so held.

SECTION 2. This act shall take effect upon its passage.

*Approved March 17, 1897.*

**Chap.155** AN ACT TO AUTHORIZE THE TOWN OF HATFIELD TO ISSUE ADDITIONAL WATER BONDS.

*Be it enacted, etc., as follows :*

1895, 191, § 5,  
amended.

Hatfield Water  
Loan.

Sinking fund.

SECTION 1. Section five of chapter one hundred and ninety-one of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out in the fifth line, the word "thirty-five", and inserting in place thereof the word : — fifty, — so as to read as follows : — *Section 5.* Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate fifty thousand dollars ; such bonds, notes and scrip shall bear on their face the words, Hatfield Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue ; shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum and shall be signed by the treasurer and countersigned by the selectmen of the town. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper. Said town shall pay the interest on said loan as it accrues and shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to

the payment of said loan and shall be used for no other purpose.

SECTION 2. This act shall take effect upon its passage.

*Approved March 17, 1897.*

AN ACT TO AUTHORIZE THE JOURNAL NEWSPAPER COMPANY TO INCREASE ITS CAPITAL STOCK. Chap.156

*Be it enacted, etc., as follows:*

SECTION 1. The Journal Newspaper Company is hereby authorized to increase its capital stock from time to time in the same manner and under the same terms and conditions as corporations organized under chapter one hundred and six of the Public Statutes are authorized to increase their capital: *provided*, that the whole amount of capital stock of said company shall not exceed one million dollars. The amount of such increase and the number of shares to be issued may be determined by the stockholders from time to time at meetings duly called for the purpose. Any shares of capital stock which are not taken by the present stockholders may be disposed of as is provided in section thirty-seven of said chapter. Said corporation is hereby granted all the powers and privileges and made subject to all the duties and liabilities, except as above-provided, of like corporations organized under chapters one hundred and five and one hundred and six of the Public Statutes, and may purchase and hold real estate which shall cost not more than five hundred thousand dollars.

May increase capital stock.

Proviso.

SECTION 2. Sections one and two of chapter two hundred and one of the acts of the year eighteen hundred and fifty-seven, so far as they are inconsistent with this act, are hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved March 17, 1897.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF CHARLES L. BANCROFT. Chap.157

*Be it enacted, etc., as follows:*

SECTION 1. The city of Boston is hereby authorized to pay to the widow of Charles L. Bancroft late a clerk in the office of the water registrar in said city, the balance of the salary to which he would have been entitled had he

Widow of Charles L. Bancroft.

lived and continued to hold his office until the end of the year eighteen hundred and ninety-six.

SECTION 2. This act shall take effect upon its passage.

*Approved March 17, 1897.*

**Chap.158** AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF CHRISTOPHER A. CONNOR.

*Be it enacted, etc., as follows :*

Widow of  
Christopher A.  
Connor.

SECTION 1. The city of Boston is hereby authorized to pay to the widow of Christopher A. Connor late an employee of the collecting department in said city, the balance of the salary to which he would have been entitled had he lived and continued to hold his office until the end of the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved March 17, 1897.*

**Chap.159** AN ACT RELATIVE TO WHARF BONDS IN THE CITY OF NEW BEDFORD

*Be it enacted, etc., as follows :*

May issue  
wharf bonds,  
etc.

SECTION 1. For the purpose of meeting the expense incurred by the purchase of Taber wharf and Rotch wharf by the city of New Bedford, said city is authorized to issue by vote of the majority of the members of each branch of the city council wharf bonds of said city to an amount not exceeding fifty-two thousand dollars, not to be included in the debt limit of said city, at a rate of interest not to exceed four per cent. per annum, payable semi-annually, which bonds may be made payable in gold not less than ten nor more than thirty years from the date of issue.

SECTION 2. This act shall take effect upon its passage.

*Approved March 17, 1897.*

**Chap.160** AN ACT TO PROHIBIT THE SALE OF INTOXICATING LIQUORS BY HOLDERS OF LICENSES OF THE FIRST THREE CLASSES ON DAYS SUCCEEDING CERTAIN HOLIDAYS WHEN SAID HOLIDAYS FALL ON SUNDAY.

*Be it enacted, etc., as follows :*

Sale of Intoxi-  
cating liquors  
prohibited on  
certain days.

SECTION 1. When the twenty-second day of February, the thirtieth day of May, or the fourth day of July fall upon Sunday, the provisions of existing statutes relating to the sale of intoxicating liquors under either of the first



three classes of licenses, on said twenty-second day of February, thirtieth day of May and fourth day of July, shall apply to the succeeding day.

SECTION 2. This act shall take effect upon its passage.

*Approved March 17, 1897.*

AN ACT RELATIVE TO CO-OPERATIVE BANKS.

*Chap.161*

*Be it enacted, etc., as follows:*

No co-operative bank, nor any person acting in its behalf, shall take or receive a fee, brokerage, commission, gift or other consideration for or on account of a loan made by or on behalf of such corporation, other than appears on the face of the note or contract by which such loan purports to be made; but nothing herein contained shall apply to any reasonable charge for services in the examination of property and titles and preparation and recording of conveyances to such corporation as security for its loans. Whoever violates a provision of this section shall be punished by fine of not less than one hundred nor more than one thousand dollars.

Co-operative banks not to receive certain fees, etc.

Penalty.

*Approved March 17, 1897.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON AND THE TOWN OF BROOKLINE TO REBUILD LONGWOOD AVENUE BRIDGE.

*Chap.162*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Boston by its board of park commissioners, and the town of Brookline by its board of park commissioners, are hereby authorized to construct a new bridge in place of the existing bridge between said city and town, forming a part of Longwood avenue; said new bridge to be in such location and of such width, grade and materials as said boards may agree upon. All expenses incurred by said boards in building said bridge and the abutments thereof shall be borne equally by the two municipalities, and shall be paid by the respective treasurers thereof on the certificates of said boards, and shall be deemed and accounted for as expenditures for park purposes.

New bridge may be constructed between Boston and Brookline.

SECTION 2. The provisions of sections one hundred and seventeen to one hundred and thirty-eight, both inclusive, of chapter one hundred and twelve of the Public Statutes, and of any acts in amendment thereof, shall not apply to said bridge, but where the bridge crosses the

Certain provisions of law not to apply, etc.

location of the Boston and Albany railroad it shall not be constructed at a height less than eighteen feet above the tracks of said railroad, except with the written consent of the board of railroad commissioners.

Construction of approaches to bridge, etc.

SECTION 3. Each of said municipalities within its own limits shall, at its own expense, by the board of park commissioners thereof, construct the approaches to said bridge, and the public ways connected with said approaches, of such widths, grades and materials as the board may deem proper, and may alter or widen existing approaches and connected ways; but neither of said municipalities shall be liable to pay any expenses of construction of such approaches or connected ways, or any land, grade or other damages incurred in constructing such approaches or connected ways which are not within its own limits, the joint liability of said municipalities under this act for the expenses of construction being limited to the expenses of constructing said bridge and the abutments thereof: *provided, however*, that no such bridge, bridge-approach or public way within the limits of the town of Brookline shall be laid out, altered or widened until the laying out, alteration or widening of the same is by the park commissioners of said town reported to the town and filed, accepted and allowed in the manner provided by section seventy-one of chapter forty-nine of the Public Statutes, in the case of the laying out of town ways; and no such bridge, bridge-approach or public way in the city of Boston shall be constructed, altered or widened until the same is approved by the board of street commissioners and the mayor.

Proviso.

Certain lands may be taken, etc.

SECTION 4. Each of said boards shall within the limits of its municipality take, by purchase or otherwise, such lands in fee or rights in land for carrying out the purposes of this act as the board may deem necessary therefor, and shall determine the damages sustained by any person by the taking of land or any other act done under authority of this act; and any person aggrieved by any such determination may have his damages determined by a jury in the superior court in the same manner as damages are determined for the taking of land in the laying out of ways within the limits of such municipality, and costs shall be taxed and execution issued as in civil cases.

Certain bridge-approaches, etc., to remain

SECTION 5. Such parts of said Longwood avenue, of said bridge, bridge-approaches and public ways as lie

within the limits of the town of Brookline shall be and remain town ways, and such parts of said Longwood avenue, of said bridge, bridge-approaches and public ways as lie within the limits of the city of Boston shall be and remain highways: *provided, however*, that said boards shall jointly maintain and keep in repair the said bridge and its abutments, and said city and town shall be jointly liable for all damages occasioned by any defect or want of repair therein or want of sufficient railing thereon, subject however to all the provisions of law now or hereafter in force limiting or regulating the right to recover damages for defects in public ways.

town ways and highways.

Proviso.

SECTION 6. The said town of Brookline may raise from time to time, by borrowing or otherwise, and may appropriate and expend such sums of money as may be deemed necessary for the purpose of defraying the expenses that may be incurred by said town under the provisions of this act, subject to the laws of this Commonwealth limiting and regulating municipal indebtedness: *provided, however*, that any debts incurred for the purposes mentioned in this act may be made payable in or within twenty years.

Brookline may raise necessary sums of money, etc.

Proviso.

SECTION 7. This act shall take effect upon its passage.

*Approved March 17, 1897.*

AN ACT RELATIVE TO THE BERKSHIRE ATHENÆUM.

*Chap. 163*

*Be it enacted, etc., as follows:*

SECTION 1. Section three of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and seventy-one is hereby amended by striking out in the first line the word "town", and inserting in place thereof the word:—city,—and by adding at the end of said section the words:—The mayor, the member of the school committee selected to serve as chairman in the absence of the mayor, and the treasurer of the city of Pittsfield, and their successors, shall be ex officio trustees of the Berkshire Athenæum during their terms of office, with the same power of voting and of participating in the management of said corporation as the other trustees,—so as to read as follows:—*Section 3.* The city of Pittsfield, so long as said corporation maintains a public library for the use of the inhabitants thereof, is hereby authorized to appropriate and pay money to aid in supporting such

1871, 129, § 3, amended.

Pittsfield may appropriate money for support of public library.

institution, the same as may be done by law for the support of public libraries, and said corporation may receive such appropriations as may be made. The mayor, the member of the school committee selected to serve as chairman in the absence of the mayor, and the treasurer of the city of Pittsfield, and their successors, shall be ex officio trustees of the Berkshire Athenæum during their terms of office, with the same power of voting and of participating in the management of said corporation as the other trustees.

1871, 129, § 4,  
amended.

Trustees may  
fill vacancies in  
board.

SECTION 2. Section four of said act is hereby amended by striking out in the third line, the word "eleven", and inserting in place thereof the word:—fourteen,—so as to read as follows:—*Section 4.* The trustees of such corporation shall have authority to fill all vacancies, in any manner occurring, but the number of said trustees shall never exceed fourteen.

SECTION 3. This act shall take effect upon its passage.

*Approved March 17, 1897.*

### Chap. 164

AN ACT RELATIVE TO THE BURIAL OF INDIGENT SOLDIERS AND OF THEIR WIVES OR WIDOWS.

*Be it enacted, etc., as follows:*

1896, 279, § 1,  
amended.

Burial of de-  
ceased indigent  
soldiers, etc.

SECTION 1. Section one of chapter two hundred and seventy-nine of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out in the eleventh and twelfth lines, the words "between the years eighteen hundred sixty-one and eighteen hundred sixty-five", and by striking out in the eighteenth and nineteenth lines, the words "his final discharge from the service aforesaid", and by inserting in place thereof the words:—the year eighteen hundred and seventy,—so as to read as follows:—*Section 1.* It shall be the duty of the mayor of each city and of the selectmen of each town of the Commonwealth to designate some suitable person or persons as a burial agent, who shall serve without compensation, and shall be other than the overseers of the poor or those employed by them, whose duty it shall be, under regulations established by the commissioners of state aid, to cause to be properly interred the body of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the war of the rebellion, and the wives and widows of the same in case such soldier, sailor or marine or such wives or widows die without leaving sufficient means to defray

funeral expenses: *provided, however*, that no wife or widow of any soldier, sailor or marine above-described shall be eligible to receive the benefits of this act unless she was married to him prior to the year eighteen hundred and seventy. Where an interment has taken place without the knowledge of the burial agent application may be made to him within one week from the date of death, and if upon investigation he shall find that the deceased was eligible under the law and the rules of the commissioners of state aid to receive the benefits of this act he may make return of the same in the manner prescribed for other cases.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 17, 1897.*

AN ACT TO RESTRICT THE USE OF TUBERCULIN.

*Chap.165*

*Be it enacted, etc., as follows:*

Section fourteen of chapter four hundred and ninety-six of the acts of the year eighteen hundred and ninety-five, as amended by chapter two hundred and seventy-six of the acts of the year eighteen hundred and ninety-six, is hereby amended by striking out in the first and second lines, the words "until June first eighteen hundred and ninety-seven", and by striking out in the sixth and seventh lines, the words "held in quarantine", — so as to read as follows: — *Section 14.* The use of tuberculin as a diagnostic agent for the detection of the disease known as tuberculosis in domestic animals shall be restricted to cattle brought into the Commonwealth from any point without its limits, and to all cattle at Brighton, Watertown and Somerville: *provided, however*, that tuberculin may be used as such diagnostic agent on any animal or animals in any other portion of the state upon the consent in writing of the owner or person in possession thereof, and upon any animals condemned as tuberculous upon physical examination by a competent veterinarian.

1895, 496, § 14,  
etc., amended.

Use of tuber-  
culin restricted.

*Proviso.*

*Approved March 17, 1897.*

AN ACT RELATIVE TO THE PLOTTING AND LAYING OUT OF STREETS  
IN THE CITY OF BOSTON.

*Chap.166*

*Be it enacted, etc., as follows:*

SECTION 1. The board of street commissioners of the city of Boston may lay out, locate anew, alter, widen or discontinue highways in that part of the territory of said

May lay out,  
alter, etc., cer-  
tain highways  
in Boston.

city shown on plan number three, sections forty-nine and fifty, made by the board of survey of said city and on file in the office of the city engineer of said city, according to such directions, widths and grades as said board of street commissioners may, after public notice and hearing, deem that the public necessity and convenience require.

May make new plan, etc.

SECTION 2. Said board of street commissioners shall not be required to conform to said sections forty-nine and fifty of plan number three of said board of survey, and may make a new plan as a substitute therefor, as provided in chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof or in addition thereto.

SECTION 3. This act shall take effect upon its passage.

*Approved March 18, 1897.*

**Chap.167** AN ACT RELATIVE TO THE LOCATION, LAYING OUT AND CONSTRUCTION OF HIGHWAYS IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Laying out, etc., of highways in Boston.

SECTION 1. The board of street commissioners of the city of Boston are hereby authorized to make a new plan, under the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and of acts in amendment thereof or in addition thereto, of the territory included in plan X twenty-one, dated January third, eighteen hundred and ninety-four, on file in the office of the city engineer in said city and made under the provisions of said acts, bounded north by Park street, east by Upland park, south by Melville avenue, and west by the Shawmut branch of the Old Colony division of the New York, New Haven and Hartford railroad, as shown on said plan.

SECTION 2. This act shall take effect upon its passage.

*Approved March 18, 1897.*

**Chap.168** AN ACT RELATIVE TO THE ISSUE OF BONDS BY THE CITY OF HAVERHILL.

*Be it enacted, etc., as follows:*

Not to be taken into account in determining debt limit of Haverhill.

SECTION 1. All bonds heretofore issued by the former town of Bradford which were authorized to be issued beyond the limit of indebtedness fixed by law under express authority conferred by special acts, and now being, by

virtue of the provisions of chapter three hundred and sixty-five of the acts of the year eighteen hundred and ninety-six, debts and obligations of the city of Haverhill, shall not be taken into account in determining the authorized limit of indebtedness of said city of Haverhill.

SECTION 2. This act shall take effect upon its passage.

*Approved March 18, 1897.*

AN ACT TRANSFERRING TO THE PARK COMMISSIONERS OF THE CITY OF CAMBRIDGE ALL THE POWERS AND AUTHORITY NOW VESTED BY LAW IN THE BOARD OF ALDERMEN IN RELATION TO THE REMOVAL OF TREES.

*Chap. 169*

*Be it enacted, etc., as follows:*

SECTION 1. All the powers vested at the time of the passage of this act in the board of aldermen of the city of Cambridge, in respect to the removal of trees in streets, roads, squares, courts, parks, public gardens and other enclosures, are hereby transferred to the park commissioners of said city, and said commissioners shall hereafter have exclusive power to act in respect to the removal of such trees.

Certain powers transferred to park commissioners of Cambridge.

SECTION 2. This act shall take effect upon its passage.

*Approved March 18, 1897.*

AN ACT TO AUTHORIZE THE BRADFORD LIBRARY ASSOCIATION TO TRANSFER ITS PROPERTY TO THE TRUSTEES OF THE HAVERHILL PUBLIC LIBRARY.

*Chap. 170*

*Be it enacted, etc., as follows:*

SECTION 1. The Bradford Library Association, a corporation organized under the provisions of chapter two hundred and twenty-one of the acts of the year eighteen hundred and ninety, is hereby authorized from time to time to transfer all or any portion of the property which it now holds, and all or any portion of the property which it may hereafter acquire, to the trustees for the time being of the Haverhill Public Library, in the city of Haverhill, in this Commonwealth. Said trustees and their successors shall hold said property in trust for the purpose of applying the same toward the maintenance of the Haverhill Public Library, as now established, and of such branches of said library as they may think proper.

Property of Bradford Library Association may be transferred, etc.

SECTION 2. All officers of said Bradford Library Association shall hold their offices during the terms for which

Officers.

they are respectively elected, and until their successors are chosen and qualified.

SECTION 3. This act shall take effect upon its passage.

*Approved March 18, 1897.*

**Chap.171** AN ACT TO CHANGE THE NAME OF THE STATE STREET SAFE DEPOSIT AND TRUST COMPANY.

*Be it enacted, etc., as follows :*

Name changed.

SECTION 1. The name of the State Street Safe Deposit and Trust Company, incorporated by chapter one hundred and ninety-nine of the acts of the year eighteen hundred and ninety-one, is hereby changed to the State Street Trust Company.

SECTION 2. This act shall take effect upon its passage.

*Approved March 18, 1897.*

**Chap.172** AN ACT TO REVISE THE CHARTER OF THE CITY OF WOBURN.

*Be it enacted, etc., as follows :*

TITLE I. MUNICIPAL GOVERNMENT.

City of Woburn.

SECTION 1. The inhabitants of the city of Woburn shall continue to be a body politic and corporate, under the name of the City of Woburn, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now pertaining to and incumbent upon the said city as a municipal corporation.

Administration of municipal affairs, etc.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall, except as is herein otherwise provided, be vested in an executive department, which shall consist of one officer, to be called the mayor, and in a legislative department, which shall consist of a single body, to be called the city council, the members whereof shall be called aldermen. The executive department shall never exercise any legislative power, and the legislative department shall never exercise any executive power, except as is herein otherwise provided.

Seven wards.

SECTION 3. The territory of said city shall continue to be divided into seven wards, which shall retain their present boundaries until the same shall be changed under the general law relating thereto. The number and boundaries of wards may, in any year fixed by law for a new



division of wards in cities, be changed by vote of the city council, with the approval of the mayor, at or prior to making such division; but the number of wards shall never be less than seven.

**TITLE II. ELECTIONS AND MEETINGS.**

**SECTION 4.** The municipal election shall take place annually on the second Tuesday of December, and the municipal year shall begin on the first Monday of January following.

Municipal election and municipal year.

**SECTION 5.** At such municipal election the qualified voters shall give in their votes by ballot in the several wards for mayor, aldermen, and members of the school committee and members of the board of public works then to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office the several persons, up to the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected. If it shall appear that there is no choice of mayor, or if the person elected mayor shall refuse to accept the office, or shall die before qualifying, or if a vacancy in said office shall occur more than three months previous to the expiration of the municipal year, the city council shall forthwith cause a new election to be held, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor, and shall be repeated until the election of a mayor is effected. If the full number of members of the city council has not been elected, or if a vacancy in the office of alderman shall occur more than six months previous to the expiration of the municipal year, the city council shall forthwith cause a new election to be held to fill the vacancy or vacancies.

Certain officers to be elected by ballot, etc.

Vacancy in office of mayor.

Vacancy in city council.

**SECTION 6.** All meetings for the election of national, state, county, district and municipal officers, and for any other municipal purposes, shall be called according to the provisions of the general laws of the Commonwealth.

Meetings for election of national, state, etc., officers.

**SECTION 7.** When no convenient wardroom for holding the meetings of the citizens of any ward can be had within the territorial limits of such ward the city council may appoint and direct in the notice for calling any meet-

Ward meetings may be held in adjacent ward.

ing of the citizens of such ward that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed and taken to be a part of the ward for which the election is held.

General meetings of qualified voters.

SECTION 8. General meetings of the citizens qualified to vote may from time to time be held according to the right secured to the people by the constitution of the Commonwealth, and such meetings may, and upon the request in writing of fifty qualified voters, setting forth the purposes thereof, shall be duly called by the city council.

### TITLE III. THE LEGISLATIVE DEPARTMENT.

City council, election, term, etc.

SECTION 9. The city council shall consist of fifteen aldermen, who shall be elected as follows:—At each annual municipal election held under this act eight aldermen at large shall be elected by the qualified voters of the entire city, to serve for the term of one year beginning with the first Monday in January then next ensuing and until a majority of their successors as aldermen at large are elected and have qualified; and one alderman from each ward shall be annually elected by the qualified voters in each ward, to serve for the term of one year beginning with the first Monday in January then next ensuing and until his successor is elected and has qualified. Aldermen shall receive no compensation for their services.

Oath of office of mayor and aldermen.

SECTION 10. The mayor elect and the aldermen elect shall annually on the first Monday in January, at three o'clock in the afternoon, meet and be sworn to the faithful discharge of their duties. The oath shall be administered by the city clerk, or in case of his absence by any justice of the peace, and shall be duly certified on the journal of the city council. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall not then have been elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time thereafter in like manner the oath of office may be administered to any member of the city council who has been previously absent or has been subsequently elected; and every such oath shall be duly certified as aforesaid.

City council, organization, etc.

SECTION 11. After the oath has been administered to the aldermen present the city council shall be called to

order by the city clerk, or in case of his absence by the oldest senior member present. The city council shall then proceed to the election of a president, who shall be elected by a majority ballot of all the members of said city council, from their own number. If no quorum is present an adjournment shall be taken to a later hour, or to the next day; and thereafter the same proceedings shall be had from day to day until a quorum is present. If on the first day on which a quorum is present no person receives the votes of such majority the ballot shall be repeated until some person receives the votes of such majority, or an adjournment to the succeeding day is taken; and on such succeeding day a plurality of those voting shall be sufficient for an election. No other business shall be in order until a president is chosen. The president shall be sworn by the city clerk, or in case of the absence of the clerk by any justice of the peace. The city council shall then proceed to the choice of clerk, who shall not be a member of that body, in the same manner as is above-provided for in the choice of president, and no other business shall be in order until a clerk is chosen. The president and the clerk, or either of them, may be removed from office by a two thirds vote, taken by roll call, of all the members of the city council. The president of the city council shall have the same right to vote as any other member thereof. The clerk of the city council shall keep a journal containing a record of the proceedings of the city council and a record of all votes taken by roll call; he shall engross, sign and attest all ordinances and resolutions passed by the city council, and shall present to the mayor, within three days of its final passage, every ordinance, order, resolution or vote passed by the city council which by the provisions of this act or by law or ordinance requires the mayor's approval, or must be submitted to the mayor before it can be in force.

City council,  
organization,  
etc.

SECTION 12. The mayor may at any time call a special meeting of the city council by causing a written notification thereof to be delivered in hand or left at the residence of each alderman at least eight hours before the time appointed for such meeting.

Special meet-  
ings of city  
council.

SECTION 13. The city council shall determine the rules of its own proceedings and shall be the judge of the election and qualifications of its own members. In case of the absence of the president or clerk the city council shall

To determine  
rules of its pro-  
ceedings, be  
judge of elec-  
tion of its mem-  
bers, etc.

Quorum, etc.

choose a president or clerk pro tempore, as the case may be, and a plurality of votes cast shall be sufficient for a choice. The journal of the proceedings of the city council shall be open to public inspection. The vote of the city council upon any question shall be taken by roll call when the same is requested by three members. A majority of the members of the city council shall be required to constitute a quorum, but a smaller number may adjourn from day to day. The city council shall, except so far as is herein otherwise provided, have and exercise all the legislative powers of towns, and have all the powers and be subject to all the liabilities of boards of aldermen and of city councils, and of either branch thereof, under the general laws of the Commonwealth, and it may by ordinance prescribe the manner in which such powers shall be exercised.

Treasurer, city clerk, etc., election, term, etc.

Vacancies, etc.

SECTION 14. The city council shall annually in the month of January elect by a majority vote of all its members a treasurer, a collector of taxes, who may be the treasurer, a city clerk, and an auditor, who shall hold office from the first Monday of the following February and until their successors are chosen and qualified; and before assuming such office the person elected shall take and subscribe before the mayor or city clerk, or a justice of the peace, an oath or affirmation faithfully to perform the duties of his office, which oath or affirmation, or a certified copy thereof, shall be filed in the office of the city clerk. The officers named in this section may be removed at any time by said city council for any cause deemed sufficient by the city council, by a two thirds vote of all its members. Vacancies in said offices shall be filled by election by the city council, and the person elected to fill the vacancy shall hold his office for the remainder of the term during which his predecessor would have been entitled to hold the same. The treasurer, collector of taxes, city clerk, and auditor, shall perform such duties and exercise such powers as may be prescribed by ordinance, and as are incumbent by law upon them.

Majority vote of all members necessary for the passage of certain ordinances, etc.

SECTION 15. In case any ordinance, order, resolution or vote involves the appropriation or expenditure of money to an amount which may exceed two hundred dollars, the laying of an assessment, or the granting to a person or corporation of any right in, over or under any street or other public ground of said city, the votes of a majority of all the members of the city council shall be

necessary for its passage. Every such ordinance, order, resolution or vote shall be read twice, with an interval of at least seven days between the two readings, before being finally passed, and the vote upon its final passage shall be taken by roll call: *provided, however*, that upon and after the written recommendation of the mayor the city council may pass such ordinance, order, resolution or vote at a special meeting called by the mayor for the purpose of considering the same, and held not less than forty-eight hours after the meeting at which such ordinance, order, resolution or vote was given its first reading, a two thirds affirmative vote, on a roll call, of the entire city council being necessary in such cases to its passage.

Proviso.

SECTION 16. Neither the city council nor any member or committee thereof shall directly or indirectly take part in the employment of labor, the making of contracts, the purchasing of materials or supplies, the construction, alteration or repair of any public works, buildings, or other property, or the care, custody or management of the same; or in the conduct of any of the executive or administrative business of the city, or in the expenditure of public money, except as is herein otherwise provided, and except such as may be necessary for the contingent and incidental expenses of the city council, nor in the appointment or removal of any officers, except as is herein otherwise provided. But nothing in this section contained shall affect the powers or duties of the board in relation to city aid to disabled soldiers and sailors and to the families of those killed in the civil war.

Not to take part in the employment of labor, making of contracts, etc.

Aid to disabled soldiers and sailors.

SECTION 17. No member of the city council shall during the term for which he is elected hold any other office in or under the city government, have the expenditure of any money appropriated by the city council, or act as counsel in any matter before the city council or any committee thereof; and no person shall be eligible for appointment to any municipal office established by the city council during any municipal year within which he is an alderman, until the expiration of the succeeding municipal year.

Members of city council not to hold other city office, etc.

SECTION 18. The city council shall have power within said city to make and establish ordinances and by-laws and to affix thereto penalties as herein and by general law provided, without the sanction of any court or justice thereof: *provided, however*, that all laws, ordinances and regulations not inconsistent herewith, now in force in the

City council may establish ordinances and by-laws, affix penalties, etc.

Proviso.

city of Woburn, shall remain in force until they shall expire by their own limitation, or shall be revised or repealed by the city council. Complaint for the breach of any ordinance or by-law may be made by the mayor or by any head of a department or by any resident of the city.

Streets, high-ways, etc.

SECTION 19. The city council shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew or discontinuing of all streets and ways and all highways within the limits of said city, and to assess damages or betterments sustained by any person thereby, and further, except as is herein otherwise provided, to act in all matters relating to such laying out, locating anew or discontinuing. Any person aggrieved by the assessment of his damages, or by other action of the city council under this section, shall have all the rights and privileges now allowed by law in such cases in appeals from decisions of the selectmen of towns.

City council to establish salaries, etc., of officers.

SECTION 20. The city council shall establish by ordinance the salaries or remuneration of the offices created by this act, in case the same are not fixed herein, and of such other offices as may hereafter be created; and no ordinance of the city council changing any such salary or remuneration shall take effect until the municipal year succeeding that in which the ordinance is passed. Such salaries shall be in full for all services rendered the city by the incumbents of the respective offices in the discharge of the duties thereof.

Appropriations, expenditures, etc.

SECTION 21. The city council shall appropriate annually on or before the first day of March the amount necessary to meet the expenditures of the city for the current municipal year. It shall, by ordinance or otherwise, secure a just and proper accountability, by requiring bonds with sufficient penalties and sureties from all persons entrusted with the receipt, custody or disbursement of money. It shall on or before the first day of April in each year cause to be published for the use of the inhabitants a particular account of the receipts and expenditures of said city and a schedule of all city property and of the city debt.

Account of receipts and expenditures to be published, etc.

#### TITLE IV. EXECUTIVE DEPARTMENT.

Executive powers vested in mayor, etc.

SECTION 22. The executive powers of the city shall be vested solely in the mayor, and may be exercised by him either personally or through the several officers and

boards of the city in their departments, under his general supervision and control. In case of a vacancy in any office to which appointment may be made by the mayor he may personally perform the duties thereof, but he shall not be entitled to receive any salary or pay attached thereto. The mayor shall hold office for the municipal year beginning with the first Monday in January following his election, and until his successor is elected and qualified.

Term of office.

SECTION 23. The mayor shall have sole power of appointment to all the municipal offices established by or under this act, unless herein otherwise provided; and he may remove from office by written order any officer so appointed hereunder, for any cause which he shall in his official discretion deem sufficient, which cause he shall assign in his order of removal. Such office shall become and be vacant upon the filing with the city clerk of such order of removal and the service of a copy thereof upon the officer so removed, either personally or by leaving the same at his last or usual place of residence. The city clerk shall keep such order of removal on file, where it shall be open to public inspection. He may suspend any officer, and may suspend any work or payment, whether under contract or otherwise, for a period not exceeding ten days, except as is herein otherwise provided.

Appointment and removal of municipal officers.

SECTION 24. The salary of the mayor shall be one thousand dollars per annum, and such additional sum as the city council may establish by ordinance passed by vote of two thirds of all its members, such ordinance not to take effect however until the year succeeding that in which it is passed.

Salary of mayor.

SECTION 25. Every ordinance, order or resolution of the city council, except such as relates to the election of the officers to be chosen by the board under the provisions of this act or of law, or such as relates to the declaration of a vacancy in the office of mayor, and every vote of the board other than votes incidental to the transaction of business under parliamentary rules, shall be presented to the mayor, as hereinbefore provided. If he approves thereof he shall signify his approval by signing the same; but if not he shall return the same with his objections to the city council, who shall enter the objections of the mayor at length upon their records and proceed to reconsider said ordinance, order, resolution or vote, and if

Certain ordinances, etc., to be presented to mayor for approval, etc.

after such reconsideration two thirds of the city council, notwithstanding such objections, vote to pass it, it shall be in force. In all cases the vote shall be by yeas and nays, and it shall be taken at the meeting at which the mayor's message is received, or at the meeting next following. If such ordinance, order, resolution or vote shall not be returned within ten days after it shall have been so presented to the mayor the same shall have the same effect as if approved. He may except from his approval of any such ordinance, order, resolution or vote; any portion involving a distinct item of expenditure; and in such case instead of returning the original he shall transmit a copy of such portion not approved, which portion shall be reconsidered in the manner and with the effect herein provided. The veto power of the mayor shall not extend to elections.

President of city council to act in case of disability of mayor, etc.

SECTION 26. Whenever by reason of sickness or absence from the city or other cause the mayor shall be disabled from performing the duties of his office, and whenever there shall be a vacancy in the office of mayor, the president of the city council shall become acting mayor. He shall, as acting mayor, in case of such disability and during its continuance, and during the continuance of such vacancy, have all the rights and powers of mayor, except that he shall not when so acting have the power of removal, unless thereto in any instance authorized by a vote of the city council; nor any power of appointment unless such disability of the mayor or such vacancy in the office of mayor has continued for a period of thirty days; nor the power to approve or disapprove any ordinance, order, resolution or vote, until within twenty-four hours of the time when it would take effect without the approval of the mayor. In case such disability of the mayor continues for a period exceeding sixty days the city council may at any time after the expiration of that period declare a vacancy to exist in the office of mayor.

Estimates of expenses, etc.

SECTION 27. The mayor shall, prior to the first day of February in each year, cause to be made to him by the heads of departments and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first day of January, and he shall, not later



than the fifteenth day of February, transmit such estimates to the city council, recommending such appropriation for each department or purpose as he shall deem necessary therefor.

TITLE V. SCHOOL DEPARTMENT.

SECTION 28. The management and control of the public schools of said city shall be vested in a school committee, consisting of nine persons chosen by the city at large, three to be chosen at each municipal election and to hold office for the term of three years from the first Monday in January then next ensuing. The present school committee shall continue to hold office until the expiration of the term for which they were elected. The school committee shall serve without pay, and shall exercise the powers and discharge the duties imposed by law upon school committees.

School committee, election, terms, etc.

SECTION 29. The school committee shall meet on the first Monday in January in each year, and shall at such meeting, or as soon thereafter as may be, choose by ballot a chairman from among its members, and the votes of a majority of all the members of the school committee shall be required in order to elect. The mayor may be present at all sessions of the school committee, and when present he may participate in the discussions and may preside, but shall have no right to vote. The committee shall be the judge of the election and qualifications of its members and shall determine the rules of its proceedings. A majority of all the members shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Organization of school committee.

Mayor may be present at sessions, etc.

Quorum.

SECTION 30. The school committee shall elect a superintendent of schools, but not from among its own members, who shall also be its secretary, and said committee may appoint janitors of all school buildings and such subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business, shall define their terms of service and fix their compensation, and may remove and discharge them at pleasure.

Superintendent of schools, election, etc.

SECTION 31. The school committee shall be the original judges of the expediency and necessity of having additional or improved accommodations for any public

School committee to be judges of necessity of additional accommodations, etc.

school within the limits of the city, and whenever in their opinion a schoolhouse is required they shall send a communication to the city council, stating the locality and the nature of the further provisions for schools which are needed. The city council shall have the right to purchase lands for school purposes, but no lot of land shall be purchased by the city council until the same has been approved by a vote of the school committee, and no contract shall be made for the erection of a school building or for the furnishings thereof until the plans for said new building or furnishings shall have been so approved. The care, alteration and repair of all school buildings shall be under the control of the school committee.

#### TITLE VI. ADMINISTRATIVE OFFICERS.

Administrative  
officers, ap-  
pointment,  
terms, duties,  
etc.

SECTION 32. There shall be the following administrative officers, who shall be appointed by the mayor, except as is herein otherwise provided, and they shall perform the duties imposed upon them respectively by law and by this act, and such further duties not inconsistent with the nature of their respective offices as the city council may prescribe:—

First. A board of public works, consisting of the mayor and four other persons.

Second. A city solicitor.

Third. A city physician.

Fourth. Three principal assessors, who together shall constitute the board of assessors, one of whom shall be annually designated by the mayor as chairman and one as secretary.

Fifth. Three overseers of the poor, who together shall constitute the board of overseers of the poor, one of whom shall be annually designated by the mayor as chairman and one as secretary.

Sixth. A chief of police, and such subordinate officers as may be prescribed by ordinance.

Seventh. A board of health, under the provisions of chapter eighty of the Public Statutes and acts in amendment thereof.

Eighth. A chief engineer and an assistant engineer of the fire department.

Ninth. Three sinking fund commissioners.

Tenth. A board of five cemetery commissioners, with

the powers and duties prescribed by chapter one hundred and nine of the acts of the year eighteen hundred and eighty-four and acts in amendment thereof, which act shall be deemed to apply to the city of Woburn.

Administrative  
officers, ap-  
pointment,  
terms, duties,  
etc.

The Woburn Public Library shall continue a body corporate within said city, under the provisions of chapter two hundred and seventy-three of the acts of the year eighteen hundred and eighty-five and acts in amendment thereof, which act shall be deemed to apply to the city of Woburn. The members of the boards of assessors, overseers of the poor, and sinking fund commissioners, shall hold office for the term of three years each and until their several successors are chosen and qualified; the members of said boards and the board of health and the cemetery commissioners and the trustees of the public library as constituted when this act goes into effect, shall continue to hold office until the expiration of their respective terms of service; and for the further continuance of said boards there shall be appointed under this act, in the month of January annually, to serve for the term of three years from the first Monday in February then next ensuing, one principal assessor and one overseer of the poor, in place of the incumbents whose terms then expire; and in the month of February of each year one sinking fund commissioner for a like term, beginning on the first Monday of March then next ensuing, in place of the incumbent whose term then expires. And in the month of February annually there shall be appointed by the mayor, subject to confirmation by the city council, one person as a member of the board of commissioners for the care and management of the Woburn cemetery and public burial ground, who shall hold his office for the term of five years, beginning on the first Monday in April then next ensuing, and until his successor is chosen and qualified; also one person as trustee of said public library, who shall hold his office for the term of three years, beginning on the first Monday in April then next ensuing, and until his successor is chosen and qualified. Any vacancy occurring at any time in the corporation and board of trustees of the Woburn Public Library shall be filled by appointment by the mayor, subject to confirmation by the city council. The other administrative officers and members of boards mentioned in this section, unless otherwise provided by this act or by law, shall be appointed annually in the month

Oath of office,  
vacancies, etc.

of January, and shall hold office for the term of one year from the first Monday in February next following. All of said officers, including members of said boards, shall be sworn to the faithful discharge of their duties and shall hold office until their respective successors are appointed and qualified, unless sooner removed. Vacancies for unexpired terms may be filled in the manner provided for filling the office for a full term. The city council may by ordinance establish additional administrative offices, and define the duties of the incumbents thereof, and such offices shall be subject to the provisions of this act. The fire department shall consist of a chief engineer and an assistant engineer, whose terms of service shall be two years each, one of which shall expire each year; and of such other officers and members as the city council by ordinance shall from time to time prescribe. The incumbents of the offices of chief engineer and assistant engineer at the time this act goes into effect shall continue in office during the remainder of the terms for which they were elected, and the city council shall annually in March elect a chief engineer or assistant engineer, as may be required, for the term beginning on the first Monday of April next ensuing; and any vacancy in the office of chief engineer or assistant engineer may be filled from time to time by the city council for the unexpired term.

Fire depart-  
ment.

Board of public  
works, powers  
and duties, etc.

SECTION 33. The board of public works shall have cognizance, direction and control;—(a) of the construction, alteration, repair, care and lighting of streets, ways, bridges and sidewalks;—(b) of the construction, alteration, repair and care of public buildings, except that the school committee shall have the care of school buildings in the use and occupation of the public schools;—(c) of the construction, extension, alteration, repair and maintenance of the public water works;—(d) of the construction, extension, alteration, care and maintenance of public sewers and drains;—(e) of the laying out and caring for public parks, and of all the work in and upon the same;—(f) of the care, superintendence and management of the public grounds belonging to said city, except such as are under the control of the school committee;—(g) of the care and control of the shade and ornamental trees standing in the streets and public ways;—(h) of the supervision of electric light, power, telephone, telegraph and trolley wires, and electric light, telegraph and tele-

phone poles and gas pipes, and the erection, placing and removal thereof. Said board shall have the power to employ engineers, superintendents, clerks and such other assistants as they may deem necessary, and to fix the compensation of their appointees. They shall have and exercise the power and authority vested in the water commissioners of Woburn by chapter three hundred and seven of the acts of the year eighteen hundred and seventy-one and acts in amendment thereof; and in the board of sewerage commissioners by chapter three hundred and eighty of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof; and in the board of park commissioners by chapter one hundred and fifty-four of the acts of the year eighteen hundred and eighty-two and acts in amendment thereof; and in the surveyors of highways of towns under the general laws of the Commonwealth and acts in amendment thereof; and all powers and duties by general laws vested in or imposed upon water commissioners, sewerage commissioners, park commissioners, and surveyors of highways of towns; and all provisions of law relating to water commissioners, sewerage commissioners, park commissioners, and surveyors of highways shall apply to the said board of public works when not inconsistent herewith.

Board of public works, powers, duties, etc.

SECTION 34. At the first municipal election held under this act four members of the board of public works shall be chosen by and from the qualified voters of the city as follows:—One member for the term of one year, one member for the term of two years, one member for the term of three years and one member for the term of four years, beginning with the first Monday of January then next ensuing, and until their respective successors are chosen and qualified; and thereafter one member of said board shall be elected at each annual municipal election in place of the member whose term then expires, to serve for the term of four years, beginning with the first Monday of January next ensuing, and until his successor is chosen and qualified. The mayor shall be ex officio a member of the board and the president thereof. Any vacancy in the board of public works shall be filled at the next ensuing annual municipal election, provided that such vacancy is known to exist at the time of issuing the notice for such election, by an election for the unexpired term; and the person so elected shall enter upon his duties

Election, terms, etc.

Mayor to be ex officio a member, etc.  
Vacancies.

Removals.

on the first Monday of January next ensuing, and until that time the vacancy may be filled by nomination of the mayor, confirmed by the city council. Any member of the board, except the mayor, after due notice and hearing may be removed from office by a two thirds vote of the city council, for any cause by it deemed sufficient, and in case of removal the cause thereof shall be set forth in the order of removal. No member shall be removed except upon charges in writing, approved by the mayor, nor without notice and opportunity to be heard in his own defence. During the pendency of such charges against any member of the board the mayor may suspend him from office.

Affairs of department of public works to be divided between four administrative bureaus.

SECTION 35. The affairs of said department of public works shall be divided by the board between four administrative bureaus, as follows : —

First. A bureau of sewers, the chief officer of which shall be known as the commissioner of sewers.

Second. A bureau of highways, the chief officer of which shall be known as the commissioner of streets.

Third. A bureau of water and water supply, the chief officer of which shall be known as the commissioner of water and water supply.

Fourth. A bureau of public buildings and grounds, the chief officer of which shall be known as the commissioner of public buildings and grounds.

Compensation of commissioners, duties of bureaus, etc.

The said four commissioners shall receive an annual salary of two hundred and fifty dollars each. The duties of the several bureaus shall be such as may be referred thereto from time to time by the board of public works; the mayor shall designate each member of said board as commissioner of one of said bureaus, who shall discharge the duties thereof under the direction of the board and the supervision of the mayor. In case of a vacancy in the office of the chief of any of said bureaus, or of the absence or disability of any of them, the mayor may assign the duties of such bureau during such vacancy, absence or disability, to any other member of the board, who shall thereupon assume the duties thereof. The mayor may transfer any member of the board from the administration of the duties of one bureau to those of another.

Police department.

SECTION 36. The police department shall consist of a chief of police and such subordinate officers and regular police officers as may be prescribed by ordinance from time to time. The power to appoint said chief and other officers shall be vested in the mayor exclusively. He may

remove any member of the regular police force after a due hearing, for such cause as he shall deem sufficient and express in the order of removal, subject however to the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, entitled, "An Act to improve the civil service of the Commonwealth and the cities thereof", and acts in amendment thereof. The order of removal shall be filed in the office of the city clerk. All the members of the present police force, and such members as may hereafter be appointed, shall hold office during good behavior and be subject to removal in the manner above-provided. The mayor shall have the power to remove the chief of police at any time.

SECTION 37. The administrative officers and boards above-named in this title, and all administrative officers and boards hereafter established by the city council and not coming within the department of any officer or board so above-named, shall have the power, except as is herein otherwise provided, to appoint or employ and to remove or discharge all officers, clerks and employees in their respective departments. Such appointments shall not be for any specified term but shall hold good until removal, resignation or discharge. Orders of removal shall state the grounds therefor, and shall be entered upon the records of the officer or board making the same, and removals shall take effect upon the filing of a copy of such order with the city clerk, who shall record the same in a book provided for the purpose, which book shall be open to public inspection. The above-named administrative officers and boards shall, in their respective departments, make all necessary contracts for work and for the furnishing of materials and supplies for the city, and for the construction, alteration, repair and care of all public works, institutions, buildings and other property, subject to the approval of the mayor in writing. They shall be at all times accountable to the mayor as the chief executive officer for the proper discharge of their duties. Every board, and every officer above-named not a member of a board, shall keep a record of all official transactions, and such record shall be open to public inspection.

Administrative officers may appoint or remove clerks, etc.

May make necessary contracts, etc.

#### TITLE VII. GENERAL PROVISIONS.

SECTION 38. No person shall be eligible for election or appointment to any office established by this act unless at the time of such election or appointment he has been a

Certain persons not eligible.

citizen of the United States for at least one year, nor to any such office unless at the time of such election or appointment he has been a resident of the city for at least one year last preceding.

Offices to become vacant under certain conditions.

SECTION 39. Any office established by or under this act shall, except as otherwise provided, become vacant if the incumbent thereof ceases to be a resident of the city. The conviction of the incumbent of any such office of a crime punishable by imprisonment shall operate to create a vacancy in the office held by him.

Appropriations, expenditures, etc.

SECTION 40. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made nor liability incurred by or in behalf of the city until an appropriation has been duly voted by the city council sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable out of such appropriations: *provided, however*, that after the expiration of the financial year and until the passage of the regular annual appropriation liabilities payable out of a regular appropriation to be contained therein may be incurred to an amount not exceeding one fourth of the total of such appropriation for the preceding year.

Proviso.

Civil service.

SECTION 41. Nothing herein contained shall affect the enforcement of the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, entitled, "An Act to improve the civil service of the Commonwealth and the cities thereof", or of any acts in amendment thereof or in addition thereto, or of the rules made by the commissioners appointed thereunder; and the city council shall make sufficient and proper appropriations for the carrying out and enforcement of said act and such rules in said city.

Certain contracts to be approved by mayor, etc.

SECTION 42. All contracts made by any department of the city shall, when the amount involved is five hundred dollars or more, be in writing, and no such contract shall be deemed to have been made or executed until the approval of the mayor is affixed thereto. All such contracts shall be accompanied by a bond with sureties satisfactory to the board or committee having the matter in charge, or by deposit of money or by other security for the faithful performance of such contracts, and such bonds or other security shall be deposited with the city auditor until the contract has been carried out in all respects; and no such



contract shall be altered except by a written agreement of the contractor, the sureties on his bond, and the officer or board making the contract, with the approval of the mayor affixed thereto.

SECTION 43. Nothing contained herein shall be construed to affect the authority, power, privileges, rights and obligations created and given by any special act of the general court, and now vested in and exercised by the city of Woburn, unless specially mentioned in this act. Certain authority, etc., not affected.

SECTION 44. All acts and parts of acts inconsistent with this act are hereby repealed: *provided, however*, that the repeal of the said acts shall not affect any act done or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed and no penalty or forfeiture incurred under the acts hereby repealed and before the time when such repeal shall take effect shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal for any offence committed or for the recovery of any penalty or forfeiture incurred under the acts hereby repealed, shall be affected by such repeal; and, *provided, also*, that all persons who at the time when the said repeal shall take effect shall hold office under the said acts shall continue to hold the same according to the tenure thereof, subject to the provisions of this act, and *provided, also*, that all the by-laws and ordinances of the city of Woburn which shall be in force at the time when the said repeal shall take effect, and which are not inconsistent with the provisions of this act, shall continue in force until the same are repealed by the city council, and all officers elected under such by-laws and ordinances shall continue in office according to the tenure thereof, subject to the provisions of this act. Repeal.  
Provisions.

SECTION 45. No act which has been heretofore repealed shall be revived by the repeal of the acts mentioned in the preceding section. Certain acts not revived.

SECTION 46. This act shall be submitted to the qualified voters of the city of Woburn for acceptance at a special election to be held within sixty days from its passage; and the city clerk shall, not less than one week before said election transmit by mail or otherwise to every registered voter in said city a copy of this act. The vote shall Submission of question of acceptance.

be taken by ballot in answer to the following question :—  
 “Shall an act passed by the general court in the year eighteen hundred and ninety-seven, entitled, ‘An Act to revise the charter of the city of Woburn’, be accepted?”

YES.	
NO.	

May be resubmitted at state election, 1897.

In case this act is not accepted by the voters of said city at its first submission under this section it shall be submitted a second time to said voters at the annual state election in the year eighteen hundred and ninety-seven, and the vote shall be taken by ballot in answer to the question above-stated.

When to take effect.

SECTION 47. So much of this act as authorizes and directs the submission of the question of its acceptance to the qualified voters of said city shall take effect upon its passage; so much thereof as relates to elections thereunder shall apply to the annual municipal election to be held on the second Tuesday of December in the year eighteen hundred and ninety-seven, if the larger number of votes upon the question of its acceptance is in the affirmative; and if so accepted this act shall take full effect on the first Monday of January next ensuing.

*Approved March 19, 1897.*

## Chap.173

### AN ACT RELATIVE TO GUARDIANS OF SPENDTHRIFTS.

*Be it enacted, etc., as follows :*

P. S. 139, § 8, amended.

Appointment of guardians of spendthrifts.

Section eight of chapter one hundred and thirty-nine of the Public Statutes is hereby amended by striking out the whole of said section and inserting in place thereof the following:—*Section 8.* When a person, by excessive drinking, gaming, idleness, or debauchery of any kind, so spends, wastes or lessens his estate as to expose himself or his family to want or suffering, or any city or town to charge or expense for his support or for the support of his family, the overseers of the poor of the city or town of which such spendthrift is an inhabitant or resident, or upon which he is or may become chargeable, or a relation or relations of such spendthrift, may present a complaint to the probate court, setting forth the facts and circumstances of the case and praying to have a guardian appointed. In towns in which overseers of the poor are not specially chosen and in which the selectmen act as overseers of the poor said selectmen may present such complaint. Upon the presentation of such complaint the court shall cause not less than

fourteen days' notice of the time and place appointed for the hearing, to be given to the supposed spendthrift; and if, after a full hearing, it appears that he comes within the above description, the court shall appoint a guardian of his person and estate.

*Approved March 19, 1897.*

AN ACT TO AUTHORIZE THE SOUTHBRIDGE AND STURBRIDGE STREET RAILWAY COMPANY TO DO BUSINESS AS A COMMON CARRIER.

*Chap. 174*

*Be it enacted, etc., as follows:*

SECTION 1. The Southbridge and Sturbridge Street Railway Company is hereby authorized to carry on the express business and to be a common carrier for the conveyance of goods upon and over any street railway which it has been authorized or may be authorized to construct, with all the powers and privileges and subject to all the duties, liabilities and restrictions which now are or hereafter may be in force applicable to common carriers, and subject also to such rules and regulations as may be made from time to time by the selectmen of the towns of Southbridge and Sturbridge.

May do business as a common carrier, etc.

SECTION 2. Said company may construct, maintain and operate its railway over private lands acquired by purchase, or with the consent of the owners of said land, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to street railways.

May construct, etc., its railway over private lands, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved March 19, 1897.*

AN ACT RELATIVE TO BUILDINGS IN THE CITY OF BOSTON.

*Chap. 175*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out sections one hundred and sixteen, one hundred and seventeen, one hundred and eighteen and one hundred and nineteen, and by inserting in place thereof the following: — *Section 116.* No building shall be used for a grain elevator or for the storage or manufacture of high combustibles or explosives, or for chemical or rendering works, and no engine, dynamo, boiler or furnace shall be placed in any building, without a permit from the inspector, and every application for

1892, 419, amended.

Buildings not to be used as grain elevators, etc., without permit, etc.

such permit shall be filed with the inspector in writing, and shall set forth the character of the building, the size, power and purpose of the apparatus, and such other information as the inspector may require. The inspector may, after an examination of the premises described in the application, and hearing the applicant and any objectors, issue a permit for placing a boiler or furnace on such premises, on such conditions as he shall deem just and proper, or may refuse such permit, and the applicant for other than a boiler or furnace shall publish notice of the application in at least two daily newspapers published in the city of Boston, and at least three days in each, and, if so directed by the inspector, shall also post conspicuously on the premises a copy of the application and deliver copies thereof to such persons as the inspector may direct, and file an affidavit with the inspector that notice has been given as required. *Section 117.* If no objection is filed with the inspector before the expiration of ten days from the time of the first publication of notice, or within ten days of the delivery and first posting of notice if required, the inspector shall, if the arrangement, location and construction of the proposed apparatus is proper, and in accordance with the terms of this act, issue a permit for the same. But if such objection is filed the application shall be referred to the board of appeal, the chairman of the board of health, and the chairman of the board of fire commissioners, together sitting as a commission, or such members of said boards respectively as, in case of the absence or disability of the chairman, the standing members of the board of appeal or their duly appointed substitutes shall in each case appoint. The two members of said commission sitting with the board of appeal shall receive the same compensation as the members of that board.

*Section 118.* Said commission shall in each case cause due notice to be given to all parties of the time and place of hearing, and after hearing the parties shall authorize the inspector to issue a permit, under such conditions as may be prescribed by said commission, or to withhold the same. If the permit is refused, the applicant, and if it is granted, the objectors, shall pay such costs as the commission may determine. *Section 119.* The inspector may from time to time, after public notice and hearing, prescribe conditions on which any or all boilers or furnaces may be maintained in buildings, and if any person inter-

Granting of permits.

In case of objection application to be referred to board of appeal, etc.

Notice of hearings, etc.

Inspector may prescribe certain conditions, etc.

ested objects to such conditions and appeals from the decision of the inspector establishing the same, the appeal shall be referred to the commission specified in the preceding sections, and thereupon said commission shall prescribe such conditions as they shall deem just and proper.

SECTION 2. This act shall take effect upon its passage.

*Approved March 19, 1897.*

AN ACT TO AUTHORIZE THE REMOVAL OF HUMAN REMAINS FROM  
AN OLD GRAVEYARD IN THE TOWN OF SOUTH HADLEY. Chap.176

*Be it enacted, etc., as follows :*

SECTION 1. The Evergreen Cemetery Association of South Hadley may, at its own expense, cause all human remains to be removed from the old graveyard, so-called, situated near the center of said town, and to be interred by said association in the Evergreen cemetery in said town. For the purpose of interring said remains therein said association is hereby authorized to take by purchase or otherwise land adjoining said Evergreen cemetery, which land shall become a part thereof.

Human remains may be removed from old graveyard at South Hadley, etc.

SECTION 2. The land from which said remains are removed shall be forever dedicated to public uses for the benefit of the inhabitants of said town.

Land to be dedicated to public uses.

SECTION 3. This act shall take effect when accepted by a majority of the voters of said town present and voting thereon at any annual town meeting, or at any special town meeting called for the purpose.

When to take effect.

*Approved March 19, 1897.*

AN ACT TO EXTEND THE TIME WITHIN WHICH THE PYNCHON SAFE  
DEPOSIT AND TRUST COMPANY MAY ORGANIZE AND BEGIN BUSINESS. Chap.177

*Be it enacted, etc., as follows :*

SECTION 1. The time within which the Pynchon Safe Deposit and Trust Company, incorporated by chapter one hundred and eighty-four of the acts of the year eighteen hundred and ninety-five, may organize and begin business is hereby extended until the first day of July in the year eighteen hundred and ninety-nine.

Time extended.

SECTION 2. This act shall take effect upon its passage.

*Approved March 19, 1897.*

**Chap.178** AN ACT RELATIVE TO ANIMALS AFFECTED WITH INFECTIOUS DISEASES.*Be it enacted, etc., as follows :*

Names of owners of animals affected with infectious diseases to be reported, etc.

SECTION 1. Any owner, agent, or other person in charge of or called to examine an animal in the city of Boston affected with either of the diseases known as glanders, farcy, or rabies, shall forthwith report to the board of health of said city the name of the owner and place of keeping of such animal.

Certain animals to be disposed of.

SECTION 2. Said board, when satisfied upon examination that any animal within said city is affected by either of said diseases, shall cause such animal to be forthwith killed, or otherwise disposed of.

Penalty.

SECTION 3. Any person violating any provision of this act shall for each offence be punished by a fine not exceeding one hundred dollars or by imprisonment in the house of correction not exceeding one year.

*Approved March 19, 1897.***Chap.179** AN ACT TO PROVIDE FOR THE PAYMENT OF BOUNTIES TO MASSACHUSETTS SOLDIERS FROM THE TREASURY OF THE COMMONWEALTH IN CERTAIN CASES.*Be it enacted, etc., as follows :*

Commission to act upon claims for unpaid bounties.

SECTION 1. The auditor, and the secretary of the Commonwealth, and the adjutant general, shall constitute a commission to act upon claims for unpaid bounties presented by veterans of the late war for the suppression of the rebellion, or by the heirs or legal representatives of such veterans. In cases where said commission finds, upon evidence satisfactory to them, which evidence must in all cases be furnished by the claimant or claimants themselves, that the veteran in whose name the claim is presented was promised a bounty for military or naval service by any city or town in this Commonwealth, that said veteran afterwards duly complied with the conditions under which said bounty was to be paid, and that said bounty has not been paid, they may certify that the bounty should be paid to said veteran or to his heirs or legal representatives, from the treasury of the Commonwealth; and thereupon said claim shall be allowed and paid in the same manner as other claims against the Commonwealth. The said commissioners may expend for clerical assistance and for such expenses as may be necessary in carrying

out the provisions of this act a sum not exceeding one thousand dollars.

SECTION 2. The amounts allowed under this act shall be paid only to the person named in the certificate of allowance or to his executor or administrator. Payment of amounts allowed.

SECTION 3. No claims shall be allowed under this act unless presented within one year from the passage thereof. Claims to be presented within one year.

SECTION 4. This act shall take effect upon its passage.

*Approved March 19, 1897.*

AN ACT RELATIVE TO THE JURISDICTION OF DISTRICT, POLICE AND MUNICIPAL COURTS.

*Chap. 180*

*Be it enacted, etc., as follows :*

Section thirty-nine of chapter three hundred and ninety-six of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting after the word "destroyed", in the fifth line, the words:—or the amount of the injury done,—so as to read as follows:—

1893, 396, § 39, amended.

—*Section 39.* They shall have jurisdiction, as aforesaid, of the offence of indecent exposure of the person ; of violation of the provisions of section one hundred and three of chapter two hundred and three of the Public Statutes, when the value of the property destroyed or the amount of the injury done is not alleged to exceed one hundred dollars ; of all nuisances at common law ; and of the offence at common law of keeping and maintaining a common, ill governed and disorderly house ; and in such cases may punish by fine not exceeding one hundred dollars or by imprisonment in the jail or house of correction not exceeding one year.

Jurisdiction of offence of indecent exposure, etc.

*Approved March 19, 1897.*

AN ACT RELATIVE TO THE TAKING OF EELS IN OYSTER POND IN THE TOWN OF EDGARTOWN.

*Chap. 181*

*Be it enacted, etc., as follows :*

SECTION 1. The owners of the land in the town of Edgartown lying between Oyster pond in said town and the ocean, and bordering on said pond, may during the months of October and November in each year set eel-pots or weirs extending from their said lands into said pond, and may, during said months, by means of said pots or weirs take eels from the waters of said pond.

Owners of certain land may take eels from Oyster pond.

Repeal.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved March 19, 1897.*

**Chap. 182** AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE CONSOLIDATION AND ARRANGEMENT OF THE PUBLIC STATUTES.

*Be it enacted, etc., as follows :*

Consolidation  
and arrange-  
ment of Public  
Statutes.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet expenses in connection with the consolidation and arrangement of the Public Statutes of the Commonwealth, during the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, the same to be in addition to the appropriation authorized by chapter four hundred and thirty-four of the acts of the year eighteen hundred and ninety-six.

SECTION 2. This act shall take effect upon its passage.

*Approved March 19, 1897.*

**Chap. 183** AN ACT TO PROVIDE FOR THE APPOINTMENT OF A FOURTH ASSISTANT CLERK OF THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR CIVIL BUSINESS.

*Be it enacted, etc., as follows :*

Fourth assist-  
ant clerk to be  
appointed.

SECTION 1. There shall be appointed, in the manner provided by law for the appointment of assistant clerks of the municipal court of the city of Boston, a fourth assistant clerk of said court, for civil business, who shall receive from the county of Suffolk an annual salary of fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved March 19, 1897.*

**Chap. 184** AN ACT FOR THE BETTER PROTECTION OF WILD FOWL.

*Be it enacted, etc., as follows :*

Killing, etc., of  
wild fowl in  
Boston harbor  
restricted.

SECTION 1. Whoever within the limits of that portion of Boston harbor lying westerly and southwesterly of a line running from Deer Island to Point Allerton, including the waters of Dorchester bay, Quincy bay, Weymouth bay and Hingham bay, shoots at, kills or pursues any wild



fowl from or by the aid or use of any boat or floating device propelled by any mechanical means shall be punishable by a fine of twenty dollars for each offence.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

*Approved March 19, 1897.*

AN ACT RELATIVE TO THE PUBLIC HEALTH IN THE CITY OF BOSTON. Chap. 185

*Be it enacted, etc., as follows :*

SECTION 1. Whenever the owners of unoccupied lands in the city of Boston, or of estates situated on a private passageway therein, neglect for one week after being notified by the board of health of said city, to clean and put in healthful condition such lands or passageway, said board may at the expense of such owners enter upon and clean and put in good condition such lands or passageway. Board of health to cause certain lands and passageways to be cleaned, etc.

SECTION 2. Any expense occasioned by the doing of the work aforesaid upon any unoccupied lands shall be paid by the owners of such lands, and by the doing of the work on a passageway shall be paid by the owners of the estates abutting upon such passageway, in proportion to the number of linear feet thereof so abutting, and shall be a lien upon such estates from the time of the passage of the order aforesaid until the same is paid, and may be included and made a part of the taxes of such estate, and be collected in the same manner and with and as a part of such other taxes. Expense to be paid by owners or abutters.

SECTION 3. This act shall take effect upon its passage.

*Approved March 19, 1897.*

AN ACT TO PROHIBIT MASSACHUSETTS INSURANCE COMPANIES FROM SOLICITING OR TRANSACTING BUSINESS IN ANY STATE WHEREIN THEY HAVE NOT BEEN AUTHORIZED TO TRANSACT BUSINESS. Chap. 186

*Be it enacted, etc., as follows :*

SECTION 1. No fire insurance company chartered under any law of this Commonwealth shall establish any agencies or appoint any agents or other persons to solicit or transact business for it in any state until said corporation has been lawfully authorized to transact business therein, nor shall any such corporation pay or allow any commission or emolument to any person whatsoever within any state to which it has not been lawfully admitted for the solicitation or procurement of insurance upon property therein. Not to transact business in certain other states, etc.

Penalty.

SECTION 2. For any violation of the preceding section the company shall be punished by a fine of not less than three hundred dollars.

SECTION 3. This act shall take effect upon its passage.

*Approved March 19, 1897.*

## Chap. 187

### AN ACT RELATIVE TO REGISTRATION IN DENTISTRY.

*Be it enacted, etc., as follows:*

1887, 137, § 4,  
amended.

SECTION 1. Section four of chapter one hundred and thirty-seven of the acts of the year eighteen hundred and eighty-seven is hereby amended by inserting in the first line, after the word "persons", the words:—who shall have attained the age of twenty-one years,— and by striking out in the third and fourth lines, the words, "either orally or by written examination at the option of the several applicants",—so as to read as follows:—*Section*

Certificates to  
be issued after  
a satisfactory  
examination.

4. All persons who shall have attained the age of twenty-one years, not provided for in section three, may appear before said board at any of its regular meetings and be examined with reference to their knowledge and skill in dentistry and dental surgery; and if the examination of any such person or persons shall prove satisfactory to said board, the board shall issue to such persons as it finds to possess the requisite qualifications, a certificate to that effect, in accordance with the provisions of this act. All certificates issued by said board shall be signed by its officers; and such certificates shall be *prima facie* evidence of the right of the holder to practise dentistry in Massachusetts.

1887, 137, § 6,  
amended.

SECTION 2. Section six of chapter one hundred and thirty-seven of the acts of the year eighteen hundred and eighty-seven is hereby amended by striking out the whole of said section, and inserting in place thereof the following:—*Section 6.* The said board shall charge each person appearing before it for examination for a certificate of qualification a fee of twenty dollars, which fee shall in no case be returned. Any person failing to pass a satisfactory examination shall be entitled to one reëxamination at any future meeting of the board, free of charge; but for each subsequent examination a fee of five dollars shall be charged. Said board shall make an annual report of its proceedings to the governor on or before the thirty-first day of December in each year. All fees received by the board under this act shall be paid by the secretary of

Fees for exam-  
ination and  
certificate.

Annual report.

the board into the treasury of the Commonwealth once in each month.

SECTION 3. This act shall take effect upon its passage.

*Approved March 23, 1897.*

AN ACT RELATIVE TO THE EXECUTIVE STENOGRAPHER.

*Chap. 188*

*Be it enacted, etc., as follows :*

SECTION 1. The governor with the advice and consent of the council may appoint a stenographer for the executive department, who shall hold office during the pleasure of the governor, and who shall receive such compensation for his services as the governor and council shall determine, provided that said compensation shall not exceed the sum of fifteen hundred dollars a year.

Executive stenographer.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1897.*

AN ACT TO EXTEND THE POWERS OF THE NORFOLK CENTRAL STREET RAILWAY COMPANY.

*Chap. 189*

*Be it enacted, etc., as follows :*

SECTION 1. The Norfolk Central Street Railway Company may construct, maintain and operate its railway in the towns of Walpole, Dover and Medfield upon such locations as may be granted it by the selectmen of said towns respectively.

May operate, etc., its railway in certain towns.

SECTION 2. Said company may construct, maintain and operate its railway on private lands with the consent of the owners thereof, and it may lease, purchase and hold lands for said purpose.

May hold certain lands, etc.

SECTION 3. The provisions of this act shall become void so far as relates to the right of said company in any town where no portion of the proposed road has been built and put in operation at the end of two years from the passage of this act.

To be put in operation within two years.

SECTION 4. This act shall take effect upon its passage.

*Approved March 24, 1897.*

AN ACT TO EXTEND THE POWERS OF THE CHELSEA YOUNG MEN'S CHRISTIAN ASSOCIATION.

*Chap. 190*

*Be it enacted, etc., as follows :*

SECTION 1. The Chelsea Young Men's Christian Association, a corporation chartered by chapter two hundred

Powers extended.

and twenty-four of the acts of the year eighteen hundred and sixty-nine, shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions of corporations organized under the provisions of chapter one hundred and fifteen of the Public Statutes and of acts in amendment thereof and in addition thereto.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1897.*

**Chap.191** AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE CONSTRUCTION OF NEW SCHOOLHOUSES.

*Be it enacted, etc., as follows:*

May incur indebtedness beyond debt limit, issue bonds, etc.

SECTION 1. The city of Fall River, for the purpose of the construction of new schoolhouses in said city, may incur indebtedness beyond the limit fixed by law, to an amount not exceeding one hundred thousand dollars, and may issue bonds, notes or scrip therefor. Said bonds, notes or scrip shall be payable within such period, not exceeding twenty years from the date thereof, and shall bear such rate of interest, as the city council shall determine. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto shall, so far as applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1897.*

**Chap.192** AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO CONTRACT WITH THE CAMBRIDGE HOSPITAL FOR THE CARE OF PERSONS SICK WITH DANGEROUS DISEASES.

*Be it enacted, etc., as follows:*

May contract for the care, etc., of persons sick with dangerous diseases.

SECTION 1. The city of Cambridge is hereby authorized, through its board of health, subject to the approval of the mayor, to contract from time to time with the Cambridge Hospital of said city for a term of years, for the reception, care and treatment of persons having a disease dangerous to the public health, and for the increase in the existing accommodations in said hospital for such cases, if necessary.

Payment of expenses.

SECTION 2. During the term of any such contract said city shall provide by one or more annual appropriations

for the payment of the expenses of such care and treatment, and of such increased hospital accommodations and other expenses incident thereto, which appropriations shall be expended under the direction of the board of health of said city.

SECTION 3. All general laws of this Commonwealth relative to the treatment and disposition of persons suffering from diseases dangerous to the public health shall apply to persons placed in the Cambridge Hospital as herein provided.

Certain provisions of law to apply.

SECTION 4. This act shall take effect upon its passage.

*Approved March 24, 1897.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO CONSTRUCT ADDITIONAL BUILDINGS AT THE TRUANT SCHOOL AT NORTH CHELMSFORD.

*Chap.193*

*Be it enacted, etc., as follows :*

SECTION 1. The county commissioners of the county of Middlesex may expend a sum not exceeding twenty-five thousand dollars in the construction of additional buildings at the truant school at North Chelmsford, for the use of said school, and may borrow on the credit of said county the whole or a part of the sum required for said purpose.

Truant school at North Chelmsford.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1897.*

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SEWERAGE PURPOSES.

*Chap.194*

*Be it enacted, etc., as follows :*

SECTION 1. The city of Fall River, for the purpose of extending the sewer outlets at the foot of Cove street, Odd street and Ferry street into Taunton river at said city, may incur indebtedness beyond its debt limit to an amount not exceeding one hundred thousand dollars, and may issue bonds, notes or scrip therefor. Said bonds, notes or scrip shall be payable within such period, not exceeding thirty years from the date thereof, and shall bear such rate of interest, as the city council shall determine. Any sum which may remain after the construction of the outlets as herein provided may be used for the ex-

May incur indebtedness beyond debt limit, issue bonds, etc.

P. S. 20, etc., to  
apply.

Proviso.

tension of the sewerage system of said city. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto shall, so far as applicable, apply to the indebtedness hereby authorized and to the securities issued therefor: *provided*, that the provisions of this section shall be inoperative unless on or before the first day of September in the year eighteen hundred and ninety-seven the city of Fall River shall have adopted and put in operation a system of assessing sewer betterments or rentals relating to existing or future sewers in said city, by which a regular and substantial revenue shall be secured to said city, either by annual rentals or by some other method sanctioned by law.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1897.*

### Chap. 195

AN ACT RELATIVE TO THE MERCANTILE WHARF CORPORATION.

*Be it enacted, etc., as follows:*

1826, 13, § 6,  
amended.

Voting at meet-  
ings of Mercan-  
tile Wharf Cor-  
poration.

Proviso.

May make  
return to tax  
commissioner of  
amount, etc., of  
certain stock,  
etc.

SECTION 1. Section six of chapter thirteen of the acts of the year eighteen hundred and twenty-six, entitled, "An Act to incorporate the Mercantile Wharf Corporation in the city of Boston", is hereby amended by striking out in the fifth, sixth and seventh lines, the words, "But no one proprietor shall ever be entitled to more than twenty votes", — so as to read as follows: — *Section 6.* Be it further enacted, that in all meetings of the members of said corporation, for the transaction of business, each member or proprietor shall be entitled to one vote for every share by him held in said corporation: *provided, always*, that no assessment shall be made at any meeting, unless the same shall be agreed to by two thirds at least, in number, of votes of those present or represented at said meeting, nor unless public notice shall have been given at least ten days previous to such meeting, of the purpose of such meeting, by publication thereof in one or more newspapers printed in said Boston; proprietors may appear and act by proxy in writing, at any meeting.

SECTION 2. The said Mercantile Wharf Corporation may, between the first and tenth days of May in each year, make a return to the tax commissioner specifying therein the amount and the market value of the stock held by it in the Quincy Market Cold Storage Company, a

Massachusetts corporation, which return shall be signed and sworn to by its president, treasurer and clerk; and the value of the stock so returned, having been verified by the commissioner of corporations, shall be deducted from the valuation of the corporate franchise of said Mercantile Wharf Corporation as determined in the manner provided in sections thirty-nine and forty of chapter thirteen of the Public Statutes, for the purpose of taxation, in addition to the deductions provided for in section forty of said chapter, so far as the same are applicable to said Mercantile Wharf Corporation.

*Approved March 24, 1897.*

AN ACT RELATIVE TO THE REGISTRATION OF PHYSICIANS AND SURGEONS. Chap. 196

*Be it enacted, etc., as follows:*

SECTION 1. Section four of chapter four hundred and fifty-eight of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the second line, after the words "fee of", the word "ten", and by inserting in place thereof the word: — twenty, — so as to read as follows: — *Section 4.* Any person not entitled to registration as aforesaid shall, upon payment of a fee of twenty dollars, be entitled to examination, and if found qualified by four or more members of said board shall be registered as a qualified physician, and shall receive a certificate thereof as provided in section three. Any person refused registration may be re-examined at any regular meeting of said board, within two years of the time of such refusal, without additional fee, and thereafter he may be examined as often as he may desire, upon the payment of the fee of ten dollars for each examination. Said board after a conviction before a proper court, for crime in the course of professional business has been shown, and after hearing, may by unanimous vote revoke any certificate issued by them and cancel the registration of the person to whom the same was issued. All fees received by the board under this act shall be paid by the secretary thereof into the treasury of the Commonwealth once in each month.

1894, 458, § 4,  
amended.

Examination of  
persons not en-  
titled to regis-  
tration.

Registration of  
persons con-  
victed of certain  
crimes may be  
cancelled, etc.

SECTION 2. This act shall take effect on the first day of August of the current year. To take effect  
August 1, 1897.

*Approved March 24, 1897.*

**Chap. 197** AN ACT RELATIVE TO ASSESSMENTS BY MUTUAL FIRE INSURANCE COMPANIES.

*Be it enacted, etc., as follows :*

1894, 522, § 44,  
amended.

Policy holders  
entitled to  
profits, etc.

**SECTION 1.** Section forty-four of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the nineteenth line, the words "two years", and inserting in place thereof the words: — one year, — so as to read as follows: — *Section 44.* The directors of any mutual fire insurance company may, from time to time, by vote, fix and determine the amount to be paid as a dividend upon policies expiring during each year. In the year eighteen hundred and ninety-five, and at the expiration of each term of five years thereafter, the directors shall, subject to the provisions of section forty-three, apportion as an extra dividend, according to their best judgment, proportionately to the holders of policies which have expired during the preceding five year period the entire remaining net profits. Any such dividends remaining uncalled for on the thirty-first day of December in the year eighteen hundred and ninety-nine, and at the end of each five year period thereafter, shall be forfeited to the company. Each policy holder shall be liable to pay his proportional part of any assessments which may be laid by the company in accordance with law and his contract, on account of losses and expenses incurred while he was a member, provided he is notified of such assessment within one year after the expiration of his policy. Mutual companies which make not less frequently than annually an entire apportionment and division of earnings or profits shall not be subject to the provisions of sections forty-three and forty-four.

Certain com-  
panies not sub-  
ject to sections  
43 and 44.

1894, 522, § 48,  
amended.

Members to be  
notified of  
assessment.

**SECTION 2.** The third paragraph of section forty-eight of said chapter five hundred and twenty-two is hereby amended by striking out in the second line, the words "two years", and inserting in place thereof the words: — one year, — so as to read as follows: — No assessment shall be valid against a person who has not been duly notified thereof within one year after the expiration or cancellation of his policy. And when an assessment is ordered the directors shall forthwith cause written notice and demand for payment to be made upon each person subject thereto, by mail or personal service.

**SECTION 3.** This act shall take effect upon its passage.

*Approved March 24, 1897.*



AN ACT RELATIVE TO THE DISPOSITION OF THE PROCEEDS OF SALES  
OF LOTS AND BURIAL RIGHTS IN PUBLIC CEMETERIES IN THE TOWN  
OF WINCHESTER. *Chap.198*

*Be it enacted, etc., as follows :*

SECTION 1. Section four of chapter one hundred and forty-six of the acts of the year eighteen hundred and eighty-nine, as amended by chapter two hundred and seventy-two of the acts of the same year, is hereby amended by striking out in the seventh and eighth lines, the words, "and the said money and the accounts thereof shall be kept separate from the other moneys and accounts of said town",—so as to read as follows:—*Section 4.* The proceeds of sales of lots or rights of burial in said cemetery or public burial grounds, and any appropriations, grants, donations, gifts or bequests made thereto, and any and all sums of money due to and payable for account of said cemetery or public burial grounds, shall be paid into the town treasury of said Winchester. The treasurer of said town shall hold said funds subject to the order of the selectmen and said board of commissioners, and shall invest the same or any part thereof, or pay out the same or any income therefrom, on the orders of the selectmen and said board of commissioners, or with their approval.

1889, 146, § 4,  
etc., amended.

Proceeds of  
sales of burial  
rights, etc., to be  
paid into town  
treasury, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved March 24, 1897.*

AN ACT AUTHORIZING SPECIAL ADMINISTRATORS, BY LEAVE OF THE  
PROBATE COURT, TO PAY DEBTS OF THE DECEASED. *Chap.199*

*Be it enacted, etc., as follows :*

A special administrator may, after notice to all persons interested, pay from the personal estate in his hands such debts due from the deceased as the probate court may approve.

Special admin-  
istrator may pay  
certain debts.

*Approved March 24, 1897.*

AN ACT RELATIVE TO RELOCATING AND WIDENING A BRIDGE OVER  
THE ACUSHNET RIVER BETWEEN THE CITY OF NEW BEDFORD AND  
THE TOWN OF FAIRHAVEN. *Chap.200*

*Be it enacted, etc., as follows :*

SECTION 1. Section one of chapter three hundred and sixty-eight of the acts of the year eighteen hundred and ninety-three, as amended by chapters two hundred and thirty-nine and five hundred and thirty of the acts of the year eighteen hundred and ninety-four, is hereby further

1893, 368, § 1,  
etc., amended.

Relocation and  
widening of  
bridge over Fish  
island and  
Pope's island.

Provisos.

amended by striking out in the sixteenth line, the word "three", and inserting in place thereof the word : — four, — so as to read as follows : — *Section 1.* The county commissioners of the county of Bristol are hereby authorized and directed to widen the bridge between the city of New Bedford and the town of Fairhaven, which leads over the islands known as Fish island and Pope's island, or to make such changes in the location of the present bridge and the approaches and any way leading thereto, or any part thereof, as in the judgment of said commissioners the public necessity and convenience may require. In any such widening or new location so made, the said commissioners may reconstruct the present bridge and approaches or way, or may construct a new bridge and approaches and way, with a width, in either case, not exceeding one hundred feet ; the expense of constructing said bridge, outside of the approaches and way thereto on the New Bedford side, shall not exceed four hundred and fifty thousand dollars, exclusive of land damages occasioned by the location and construction thereof : *provided*, that any change in the location of said bridge, its approaches and way, shall not be located farther north than the north line of North street, nor farther south than the south line of Middle street, in said New Bedford, nor more than one thousand feet north or south of the location of the present bridge in said Fairhaven ; and *provided, further*, that said county commissioners shall have the right to retain, or to remove, any portion of the present bridge structure within tide water, not needed to be retained in the new construction, but the expense of such removal shall be included in the expenses of constructing the work authorized hereunder.

SECTION 2. This act shall take effect upon its passage.

*Approved March 25, 1897.*

**Chap. 201** AN ACT TO AUTHORIZE THE CITY OF LAWRENCE TO REFUND A PORTION OF CERTAIN MONEYS PAID FOR A LIQUOR LICENSE.

*Be it enacted, etc., as follows :*

To refund cer-  
tain sum to  
Ellen Buckley.

SECTION 1. The city of Lawrence is hereby authorized to refund to Ellen Buckley a portion of the sum paid by Jeremiah F. Buckley in the year eighteen hundred and ninety-four for a liquor license, the part so refunded to be in proportion to the unexpired period of the license.

SECTION 2. This act shall take effect upon its passage.

*Approved March 25, 1897.*

AN ACT RELATIVE TO THE TAKING OF LANDS FOR THE CITY OF BOSTON. *Chap.202*

*Be it enacted, etc., as follows :*

SECTION 1. The school committee of the city of Boston before selecting a site for a public school shall give notice by advertisement in at least three daily newspapers published in said city, that sealed proposals to sell to the city land for such site within or near the school district designated in the notice will be received at the office of the secretary of the committee until twelve o'clock, noon, on the fourteenth day after the date of such notice, and will then be publicly opened and read, and that a public hearing will be given by the whole school committee or a sub-committee thereof, at a place and time designated in the notice, which time shall be not less than three weeks subsequent to the date of such notice, at which such proposals and the suitability of the lands offered will be considered, and after such hearing the school committee may select and designate such lands for such site as they shall deem best adapted therefor, and as the mayor shall approve.

Selection of land for site for public school.

SECTION 2. No agreement as to damages sustained by any person in his property by the taking by the city, or by the board of street commissioners, or by any other board or department, of land for said city, shall be deemed to have been made or executed unless it is in writing and has the approval of the mayor affixed thereto.

Damages.

SECTION 3. This act shall take effect upon its passage.

*Approved March 25, 1897.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF JOHN LEAHY LATE AN OFFICER IN ATTENDANCE UPON THE SUPERIOR COURT FOR THE COUNTY OF SUFFOLK. *Chap.203*

*Be it enacted, etc., as follows :*

SECTION 1. The board of aldermen of the city of Boston, acting as county commissioners, are authorized to pay to the widow of John Leahy late an officer in attendance upon the superior court within and for the county of Suffolk, the balance of the salary to which he would have been entitled had he lived and continued to be such officer during the whole of the year eighteen hundred and ninety-

Widow of John Leahy.

six; but no part thereof shall be paid by the Commonwealth.

SECTION 2. This act shall take effect upon its passage.

*Approved March 25, 1897.*

**Chap.204**

AN ACT TO ESTABLISH A MILITARY MUSEUM.

*Be it enacted, etc., as follows:*

Military  
museum to be  
established, etc.

SECTION 1. The state house commission is hereby authorized and instructed to establish and maintain a museum for the preservation and exhibition of objects connected with the military history of the United States, and more particularly with the military history of New England; and the regimental flags and other military relics already in the possession of the Commonwealth shall constitute a part of the objects to be preserved in said museum. A sum not exceeding fifteen hundred dollars may annually be expended by said commission for the purpose of carrying out the provisions of this act. Suitable rooms in the state house and proper cases and other furnishings and equipments for said museum shall be provided by the sergeant-at-arms.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1897.*

**Chap.205**

AN ACT TO PROVIDE FOR THE COMPLETION OF THE MEDFIELD INSANE ASYLUM.

*Be it enacted, etc., as follows:*

Medfield Insane  
Asylum Loan.

SECTION 1. To provide for the completion of the Medfield insane asylum, authorized by chapter four hundred and twenty-five of the acts of the year eighteen hundred and ninety-two, or by any acts supplementary thereto, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding twenty-five thousand dollars, for a term not exceeding thirty years, the same to be in addition to any amount previously authorized. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annually on the first days of April and October of each year. Said scrip or certificates of indebtedness shall be designated on the face thereof, Medfield Insane Asylum Loan, shall be

countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest shall be paid at the time specified therein, in gold coin of the United States or its equivalent; and said scrip or certificates of indebtedness shall be sold and disposed of at public auction, or in such other mode and at such times and prices and in such amounts and at such rates of interest, not exceeding the amount above-specified, as shall be deemed for the best interests of the Commonwealth. The treasurer and receiver general shall, upon issuing any of said scrip or certificates of indebtedness, pay into the sinking fund already established any premiums received from the sale of said bonds, and he shall in addition apportion thereto from year to year amounts sufficient with their accumulations to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Medfield Insane Asylum Loan.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1897.*

AN ACT RELATIVE TO THE RELEASE OF PRISONERS FROM THE STATE PRISON ON PAROLE.

*Chap. 206*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter four hundred and forty of the acts of the year eighteen hundred and ninety-four, as amended by chapter two hundred and fifty-two of the acts of the year eighteen hundred and ninety-five, is hereby amended by inserting in the third line, after the word "may", the words: — by the unanimous vote of all the members of the board, — and by striking out in the thirteenth line, the words "nor without the approval of the governor and council", — so as to read as follows: — *Section 1.* When it shall appear to the commissioners of prisons that any prisoner held in the state prison upon his first sentence thereto has reformed, they may, by the unanimous vote of all the members of the board, issue to him a permit to be at liberty during the remainder of his term of sentence, upon such terms and conditions as they deem best, and they may revoke said permit at any time previous to its expiration. No such permit shall be granted as aforesaid until at least two thirds of the term of his

1894, 440, § 1, amended.

Permits may issue for prisoners to be at liberty in certain cases.

sentence has expired, deducting from the court sentence the time to which he may be entitled under the provisions of section twenty of chapter two hundred and twenty-two of the Public Statutes and acts in amendment thereof; nor unless the prisoner has an assurance, satisfactory to said commissioners, that he will have employment as soon as he is discharged, or is otherwise so provided for that he will not become dependent upon public or private charity. The violation by the holder of a permit granted as aforesaid, of any of its terms or conditions, or the violation of any law of this Commonwealth, shall of itself make void said permit.

Violation of terms, etc., to make permit void.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1897.*

**Chap.207** AN ACT TO PREVENT THE SALE OF INTOXICATING LIQUORS IN THE PUBLIC PARKS, PLEASURE GROUNDS AND RESERVATIONS WITHIN THE COMMONWEALTH.

*Be it enacted, etc., as follows:*

Sale of intoxicating liquors in public parks, etc., prohibited.

SECTION 1. No licenses for the sale of spirituous or intoxicating liquors shall be granted to be exercised in any public park, pleasure grounds or reservation within this Commonwealth.

Penalties.

SECTION 2. Any person who violates any of the provisions of this act shall be liable to the penalties provided in chapter one hundred of the Public Statutes and in acts in amendment thereof.

SECTION 3. This act shall take effect upon its passage.

*Approved March 27, 1897.*

**Chap.208** AN ACT TO PROVIDE FOR THE STOCKING OF THE GREAT PONDS OF THE STATE WITH FOOD FISH.

*Be it enacted, etc., as follows:*

Waters of certain ponds to be stocked with food fish.

SECTION 1. The commissioners of inland fisheries and game, upon petition of thirty or more inhabitants of a city or town within whose limits a great pond or portion thereof is situated, or upon petition of the mayor and aldermen of such city or of the selectmen of such town, shall cause the waters of such pond to be stocked with such food fish, if any, as they may judge to be best suited to the waters in which the fish are to be placed.

Fishing to be regulated.

SECTION 2. Said commissioners shall thereupon prescribe, for a period not exceeding three years, such reason-

able regulations relative to the fishing in such pond or ponds and their tributaries, with such penalties, not exceeding twenty dollars for any one offence, as they may deem for the best interests of the public, and shall cause such regulations to be enforced.

SECTION 3. There shall be allowed and paid annually from the treasury of the Commonwealth a sum not exceeding five hundred dollars to carry out the provisions of this act. Certain sum to be paid from treasury.

SECTION 4. This act shall take effect upon its passage.

*Approved March 29, 1897.*

AN ACT RELATIVE TO APPOINTMENTS IN THE SOMERVILLE FIRE DEPARTMENT.

*Chap. 209*

*Be it enacted, etc., as follows:*

SECTION 1. All members of the Somerville fire department, known as call members, who were appointed before the enactment of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, and who have continued three or more years in said service, shall, upon application to the civil service commissioners, be placed upon the eligible list for appointment as permanent men, without any further examination. Certain call members to be placed upon eligible list, etc.

SECTION 2. The mayor may at his discretion appoint such men on the permanent force at the same salary as a permanent man who has continued three or more years in said service. Appointments on permanent force.

SECTION 3. This act shall take effect upon its acceptance by the city government of the city of Somerville. When to take effect.

*Approved March 29, 1897.*

AN ACT TO ESTABLISH UNIFORMITY IN THE TIME AND PLACE OF REGISTRATION OF VOTERS.

*Chap. 210*

*Be it enacted, etc., as follows:*

SECTION 1. In fixing the time and place for the registration of voters in cities and towns no distinction shall be made between male and female applicants for registration. Registration of voters.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

*Approved March 29, 1897.*

**Chap.211** AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO ISSUE ADDITIONAL WATER BONDS.

*Be it enacted, etc., as follows:*

Taunton Water  
Loan.

SECTION 1. The city of Taunton, for the purposes mentioned in section five of chapter two hundred and seventeen of the acts of the year eighteen hundred and seventy-five and acts in addition thereto, may issue from time to time notes, bonds, scrip or certificates of debt, to be denominated on the face thereof, Taunton Water Loan, to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by the city of Taunton for the same purposes. Said notes, bonds, scrip or certificates of debt shall be issued upon the same terms and conditions and with the same powers as are provided in said act or acts for the issue of the Taunton water loan by the city of Taunton:

Proviso.

*provided*, that the whole amount of such notes, bonds, scrip or certificates of debt issued by said city for the same purposes shall not exceed twelve hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved March 29, 1897.*

**Chap.212** AN ACT TO AUTHORIZE THE CITY OF MEDFORD TO ISSUE BONDS FOR THE PURPOSE OF FUNDING ITS FLOATING AND UNFUNDED DEBT

*Be it enacted, etc., as follows:*

City of Medford  
Municipal Loan.

SECTION 1. The city of Medford, for the purpose of funding its present floating and unfunded debt, is hereby authorized to borrow money from time to time to an amount not exceeding three hundred thousand dollars, and may from time to time, in accordance with votes passed in the manner provided by section seven of chapter twenty-nine of the Public Statutes, issue and sell bonds or scrip therefor, signed by its mayor and treasurer and countersigned by its auditor, payable in periods not exceeding twenty years from the time of their issue, and bearing interest at a rate not exceeding four per cent. per annum, payable semi-annually. Said bonds or scrip shall be denominated on their face, City of Medford

Sinking fund.

Municipal Loan. Said city shall establish a sinking fund



as provided in section nine of said chapter twenty-nine sufficient with its accumulations for the payment at their maturity of the debt, bonds and scrip hereby authorized; and the premiums, if any, received on the sale thereof shall be paid over to the board of sinking fund commissioners and placed in the sinking fund of said city created for the payment of the loan hereby authorized.

SECTION 2. This act shall take effect upon its passage.

*Approved March 29, 1897.*

AN ACT TO AUTHORIZE STREET RAILWAY COMPANIES TO MAKE CERTAIN CONTRACTS AND LEASES.

*Chap. 213*

*Be it enacted, etc., as follows:*

SECTION 1. Two street railway companies incorporated under the laws of this Commonwealth, whose railways connect with or intersect each other or together form a continuous line, may contract that either company shall perform all the transportation upon and over the railway of the other; and any such company may lease its railway, franchise and property to any other such company: *provided*, that no such contract or lease shall be valid or binding until the terms thereof have been agreed to by a majority of the directors and approved at meetings called for the purpose by the vote of a majority in interest of the stockholders of each of said companies, and have also been approved as lawful and consistent with the public interest by the board of railroad commissioners in the manner provided by law; *provided, also*, that the facilities for travel on either of the railways of the said companies shall not be diminished, or the rates of fare increased; and the income arising from such contracts or leases shall be subject to the provisions of law as regards the right to reduce their fares, in the same manner as that arising from the use of the railways.

Street railway companies may contract for transportation over connecting railways, etc.

Proviso.

SECTION 2. The railways of two street railway companies shall be deemed to connect with or intersect each other or to form a continuous line, within the meaning of the preceding section, if one of such railways connects with or intersects or forms a continuous line with a railway leased to the other, or operated by it under a contract as authorized by said section.

Certain railways to be deemed to intersect each other.

SECTION 3. No street railway company shall lease or contract for the operation of its railway for a period of

Limit of time for which contract, etc., may be made.

more than ninety-nine years without the consent of the general court.

Powers, duties, liabilities, etc., of certain street railways.

SECTION 4. A street railway company which contracts for the operation or takes a lease of another railway as aforesaid, shall, in accordance with the terms of such contract or lease, have and enjoy the powers and privileges, and shall be subject to the duties, liabilities and restrictions of the company owning the same; but no right to carry on an express business or to be common carriers of goods and merchandise shall be allowed over any location where it has not already been granted.

SECTION 5. This act shall take effect upon its passage.

*Approved March 29, 1897.*

### Chap. 214

AN ACT TO AUTHORIZE THE TOWN OF FRAMINGHAM TO COLLECT ANNUAL CHARGES OR RENTS FOR THE USE OF ITS SYSTEM OF SEWAGE DISPOSAL AND SEWERS CONNECTED THEREWITH.

*Be it enacted, etc., as follows :*

May establish charges for use of system of sewage disposal, etc.

SECTION 1. The town of Framingham, by its sewer committee, or by its board of sewer commissioners if it shall hereafter elect such board, or by other officers or agents, may establish just and equitable annual charges or rents for the use of its system of sewage disposal constructed and maintained under chapter four hundred and three of the acts of the year eighteen hundred and eighty-seven, and sewers connected therewith, to be paid by every person, corporation and estate now or hereafter using said system or said sewers, and may change the same from time to time. Such charges shall constitute a lien upon the real estate using said system or said sewers, to be collected in the same manner as taxes, or in an action of contract in the name of the town. Such charges shall not exceed in the aggregate in each year the cost of maintaining and operating said system and said sewers, and may be such part thereof, not less than one half, as the town may vote.

To constitute a lien upon real estate, etc.

May charge fees for certain privileges.

SECTION 2. Nothing in this act shall prevent the said town from charging and collecting, in addition to the annual charges or rents provided for in section one, fees for the privilege of entering said system of sewage disposal or sewers connected therewith, from persons, corporations and estates hereafter entering the same.

SECTION 3. This act shall take effect upon its passage, but no annual charges or rents shall be collected as provided in section one until after the said town shall have voted at a meeting duly called for such purpose to accept the provisions hereof. When to take effect.  
*Approved March 29, 1897.*

AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION OF THE RAILROAD OF THE PLYMOUTH COUNTY RAILROAD COMPANY. *Chap.215*

*Be it enacted, etc., as follows :*

SECTION 1. Section eight of chapter one hundred and fifty-one of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out in the third line, the word "five", and inserting in place thereof the word:—seven,—so as to read as follows:—*Section 8.* The Plymouth County Railroad Company shall locate its road within three years, and the same shall be constructed within seven years from the date of the passage of this act. 1892, 151, § 8, amended. Time extended.

SECTION 2. This act shall take effect upon its passage.  
*Approved March 31, 1897.*

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE HARBOR AND LAND COMMISSIONERS. *Chap.216*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit:— Appropriations.

For the salaries of the harbor and land commissioners, sixty-four hundred dollars. Harbor and land commissioners.

For compensation and expenses of the engineer and for clerical and other assistance authorized by the harbor and land commissioners, a sum not exceeding six thousand dollars. Clerical assistance, etc.

For travelling and other necessary expenses of the harbor and land commissioners, a sum not exceeding six hundred dollars. Travelling expenses, etc.

For incidental and contingent office expenses of the harbor and land commissioners, a sum not exceeding eight hundred dollars. Office expenses.

Province lands.

For expenses in connection with the care and supervision of the province lands in the town of Provincetown, to be expended under the direction of the harbor and land commissioners, a sum not exceeding thirty-five hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved April 1, 1897.*

**Chap. 217** AN ACT TO INCORPORATE THE BARRE STREET RAILWAY COMPANY.

*Be it enacted, etc., as follows:*

Barre Street  
Railway Com-  
pany incorpo-  
rated.

SECTION 1. George W. Cook, Charles H. Follansby, Charles E. Rogers, Harding Jenkins, George A. Brown, Frank A. Rich, Alexander G. Williams, John C. Bartholomew, George P. King and Charles F. Atwood, their associates and successors, are hereby made a corporation under the name of the Barre Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies.

May construct,  
etc., its railway  
in Barre.

SECTION 2. Said company may locate, construct, maintain and operate its railway, with a single or double track, in such manner as may be convenient and necessary, in part upon private land, and upon streets, highways or state roads, in the town of Barre, subject to the approval and under the control of the selectmen of said town, as provided by general law, and subject also to the approval and consent of the Massachusetts highway commission as to any part of said railway located upon a state highway. The location of said railway outside the public streets and highways shall not exceed fifty feet in width, with convenient turn-outs and switches.

Location.

Motive power,  
etc.

SECTION 3. Said company may maintain and operate its railway by any approved power other than steam, and may erect and maintain poles and wires on private lands taken for the purposes of said railway, and, with the consent of the board of selectmen, may erect such poles and wires in the streets and highways as may be necessary to establish and maintain such motive power. It may acquire by purchase or by lease all necessary real estate and water power for its power stations and other uses incident to the proper maintenance of its railway.

May acquire  
necessary real  
estate, etc.

Proceedings for  
fixing route,  
taking private  
property, etc.

SECTION 4. The proceedings for the fixing of the route and location of said railway for all the route outside of

streets and highways, and for the taking of private property, and for the determination and payment of damages therefor, shall be similar to those prescribed by general law in relation to railroads, except as hereinafter otherwise provided; but if upon petition of the directors and after notice and hearing thereon, as provided in section twenty-one of chapter one hundred and thirteen of the Public Statutes, the selectmen of any town agree with the directors as to any proposed extension of the route of said railway therein, which is in part located upon private land, and the selectmen sign and give to the directors a certificate setting forth such route, and if such certificate, with the directors' acceptance thereof in writing, is recorded in the registry of deeds of the Worcester district within thirty days after the date of said certificate, it shall be deemed the true location of the tracks of the company and a taking of the private lands therein indicated.

SECTION 5. The capital stock of said company shall not exceed fifty thousand dollars, except that said company may increase its capital stock, subject to the provisions of the general laws relative thereto. Capital stock.

SECTION 6. Said company, in order to meet the expenses incurred under this act, may from time to time by vote of the majority in interest of its stockholders issue coupon or registered bonds. All bonds issued shall first be approved by some person appointed by the corporation for that purpose, who shall certify upon each bond that it is properly issued and recorded. Said bonds shall be secured by a mortgage of the franchise and property of the company, subject to the general laws relative thereto; and in such mortgage the company may reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become unsuitable for use, provided an equivalent in value is substituted therefor. May issue mortgage bonds, etc.

SECTION 7. Said company is hereby authorized to use its tracks to carry on the express business and to be a common carrier of goods, merchandise and mails, and may use said tracks for the transportation of passengers and freight upon and over any street or highway, or over any private land upon which it may be authorized to construct its tracks as aforesaid, subject to the provisions of chapter seventy-three of the Public Statutes and all laws relat- May carry on the express business, etc.

ing to common carriers and express companies, and subject also to such rules and regulations as may be made from time to time by the selectmen of the town of Barre.

Issue of stock or bonds to be approved by railroad commissioners, etc.

SECTION 8. No stock or bonds shall be issued under this act until the terms of such issue have been submitted to the board of railroad commissioners and approved by them, and, if they approve such issue, a certificate setting forth such approval shall be executed by said board and filed by said company in the office of the secretary of the Commonwealth.

May equip its plant for electric lighting, etc.

SECTION 9. Said company may equip its plant for electric lighting, and may establish poles on private land and in public ways in the same manner and under the same restrictions as set forth in section two of this act, and may engage in the business of the sale of electric light and power, subject to the general laws relative thereto, and under the direction and approval of the board of gas and electric light commissioners.

Railway to be in operation within three years, etc.

SECTION 10. The authority herein granted shall cease provided no portion of the proposed road has been built and put in operation at the end of three years from the passage of this act.

SECTION 11. This act shall take effect upon its passage.

*Approved April 1, 1897.*

### Chap. 218

AN ACT TO AUTHORIZE THE CITY OF CHELSEA TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR REFUNDING SPECIAL LOANS AND FOR OTHER PURPOSES.

*Be it enacted, etc., as follows:*

Special loans ratified, etc.

SECTION 1. The indebtedness of the city of Chelsea in loans known as "Special Loans" is hereby ratified, legalized and confirmed. All of said indebtedness for the payment of which said city has already established a sinking fund shall be paid at its maturity. All of said indebtedness for the payment of which said city has not established a sinking fund may be consolidated into a new loan or loans, to be paid not later than the thirty-first day of December in the year nineteen hundred and eleven, and sinking funds shall at once be established sufficient to provide for said payment by said date.

Chelsea Public Improvement Loan.

SECTION 2. In addition to the foregoing loans the city shall have authority to borrow the sum of one hundred and ten thousand dollars, for the following purposes, to wit:— Fifty thousand dollars for purchasing land and

erecting thereon and furnishing a new police station ; forty thousand dollars for purchasing land and erecting thereon and furnishing a school building ; ten thousand dollars for connecting sewers with the metropolitan system of sewers ; ten thousand dollars for permanent improvements in highways. Said city may from time to time issue bonds, notes or scrip to the amount above-specified, to be denominated on the face thereof, Chelsea Public Improvement Loan ; and may make said bonds, notes or scrip so issued as aforesaid, with renewals of the same, if any, payable upon any date not later than the thirty-first day of December in the year nineteen hundred and twenty-seven ; and shall at the time of said issue establish a sinking fund and contribute thereto from year to year an amount, raised annually by taxation, sufficient with its accumulation to pay said bonds, notes or scrip so issued as aforesaid, on said thirty-first day of December in the year nineteen hundred and twenty-seven. Any premiums received from sales of said bonds, notes or scrip shall be paid into the sinking fund to be established for the purpose of extinguishing the debt hereby created, at maturity.

Sinking fund.

SECTION 3. The authority heretofore conferred on said city to borrow for park purposes is hereby confirmed, but in lieu of the requirements of the act conferring said authority and requiring specific contributions to sinking funds, such amounts only as the sinking fund commissioners shall certify to the city government shall be assessed upon the taxpayers for that purpose.

Authority to incur indebtedness for park purposes confirmed, etc.

SECTION 4. The amount of the present indebtedness of said city, with the additional loan provided for in this act, shall be and constitute the limit of indebtedness which said city is by law authorized to incur.

Limit of indebtedness.

SECTION 5. Section three of chapter two hundred and forty-eight of the acts of the year eighteen hundred and ninety-one is hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

*Approved April 1, 1897.*

AN ACT FOR THE FURTHER PROTECTION OF PUBLIC HEALTH IN THE CITY OF BOSTON. *Chap. 219*

*Be it enacted, etc., as follows :*

SECTION 1. Whenever the board of health of the city of Boston shall be of opinion that any building or any part thereof in said city is infected with contagious disease,

Board of health may cause certain buildings to be vacated, etc.

Board of health may cause certain buildings to be vacated, etc.

or by reason of want of repair has become dangerous to life, or is unfit for human habitation because of defects in drainage, plumbing, ventilation, or in the construction of the same, or because of the existence of a nuisance on the premises which is likely to cause sickness among its occupants, said board may issue an order requiring all persons therein to vacate such building or part thereof stated in the order, for reasons to be stated therein as aforesaid. Said board shall cause said order to be affixed conspicuously to the building or part thereof, and to be personally served on the owner, lessee, agent, occupant or any person having the charge or care thereof; if the owner, lessee or agent cannot be found in the said city, or does not reside therein, or evades or resists service, then said order may be served by depositing a copy thereof in the postoffice of said city, postpaid and properly inclosed and addressed to such owner, lessee or agent at his last known place of business or residence. Such building or part thereof shall be vacated within ten days after said order shall have been posted and mailed as aforesaid, or within such shorter time, not less than forty-eight hours, as in said order may be specified; but whenever said board shall become satisfied that the danger from said building or part thereof has ceased to exist, or that said building has been repaired so as to be habitable, it may revoke said order. Whenever in the opinion of the board of health any building or part thereof in said city which has been ordered by said board to be vacated is because of age, infection with contagious disease, defects in drainage, plumbing or ventilation, or because of the existence of a nuisance on the premises which is likely to cause sickness among its occupants, or among the occupants of other property in said city, or because it makes other buildings in said vicinity unfit for human habitation or dangerous or injurious to health, or because it prevents proper measures from being carried into effect for remedying any nuisance injurious to health, or other sanitary evils in respect of such other buildings, so unfit for human habitation that the evils in or caused by said building cannot be remedied by repairs or in any other way except by the destruction of said building or of any portion of the same, said board of health may order the same or any part thereof to be removed.

Certain buildings may be removed.

Damages.

SECTION 2. The city of Boston shall pay the damages sustained by the owner of the building by the destruction



of the same, or part thereof, as determined on agreement between said board of health and said owner, and if they cannot agree the same shall be determined by a jury of the superior court for the county of Suffolk, on petition of said owner or board within one year after said destruction, in the same manner as damages are determined for the taking of land in laying out streets and highways in the city of Boston.

SECTION 3. This act shall take effect upon its passage.

*Approved April 1, 1897.*

AN ACT TO AUTHORIZE THE APPOINTMENT OF AN ASSISTANT CLERK  
OF COURTS FOR THE COUNTY OF HAMPDEN.

*Chap.220*

*Be it enacted, etc., as follows :*

SECTION 1. The justices of the supreme judicial court, or a majority of them, may appoint an assistant clerk of courts for the county of Hampden, who may be a woman, who shall be subject to the provisions of law applicable to assistant clerks of courts and who shall receive an annual salary of thirteen hundred dollars, to be paid by said county.

Assistant clerk  
of courts may  
be appointed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 1, 1897.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO ESTABLISH PUBLIC  
GYMNASIA.

*Chap.221*

*Be it enacted, etc., as follows :*

SECTION 1. The city of Boston may establish public gymnasia, not exceeding one to each ward of the city, and may accept donations of lands or buildings fitted with gymnastic apparatus.

Public gym-  
nasia may be  
established.

SECTION 2. This act shall take effect upon its passage.

*Approved April 1, 1897.*

AN ACT TO AUTHORIZE THE FOXBOROUGH WATER SUPPLY DISTRICT  
TO INCREASE ITS INDEBTEDNESS.

*Chap.222*

*Be it enacted, etc., as follows :*

SECTION 1. The Foxborough Water Supply District is hereby authorized to increase the amount of its bonds, notes or scrip, from eighty-five thousand dollars to one hundred thousand dollars. The bonds, notes or scrip hereby authorized to be issued for said additional sum of

Foxborough  
Water Loan.

fifteen thousand dollars shall be issued from time to time, signed by the clerk and countersigned by the water commissioners, shall be denominated on the face thereof, Foxborough Water Loan, and shall be made payable at periods not exceeding thirty years from the date of issue, with interest payable annually at a rate not exceeding six per cent. per annum.

SECTION 2. This act shall take effect upon its passage.

*Approved April 1, 1897.*

**Chap.223** AN ACT TO REVOKE THE AUTHORITY OF THE STATE HOUSE CONSTRUCTION COMMISSIONERS TO SELL AT PUBLIC AUCTION CERTAIN BUILDINGS.

*Be it enacted, etc., as follows:*

Certain provisions of law repealed.

So much of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and ninety-three as authorizes the state house construction commissioners to sell at public auction any or all buildings taken by said commissioners under the provisions of chapter four hundred and four of the acts of the year eighteen hundred and ninety-two is hereby repealed.

*Approved April 1, 1897.*

**Chap.224** AN ACT TO PROVIDE FOR THE REMOVAL OF COUNTY COMMISSIONERS FROM OFFICE IN CERTAIN CASES.

*Be it enacted, etc., as follows:*

P. S. 150, § 4, amended.

SECTION 1. Section four of chapter one hundred and fifty of the Public Statutes is hereby amended by inserting in the fifth line, after the word "insolvency", the words:—county commissioner,—so as to read as follows:—

Majority of justices may remove certain officers.

*Section 4.* A majority of the justices may remove from office the clerks of the courts or of their own court, when in their judgment the public good requires such removal; and on bill, petition, or other process, may remove any clerk of the superior court, or of a police, district, or municipal court, any commissioner of insolvency, county commissioner, sheriff, register of probate and insolvency, or district attorney, if sufficient cause is shown therefor, and it appears that the public good requires it; and a summary hearing may be had upon such bill, petition, or other process, in term time or vacation.

SECTION 2. This act shall take effect upon its passage.

*Approved April 1, 1897.*

AN ACT RELATIVE TO THE PAYMENT OF INDEBTEDNESS INCURRED BY  
THE CITY OF QUINCY IN CONSTRUCTING A SYSTEM OF SEWERAGE. *Chap. 225*

*Be it enacted, etc., as follows :*

SECTION 1. Section thirteen of chapter two hundred and seventy-nine of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out the word "proportionate", in the seventeenth and eighteenth lines, and by striking out the same word in the thirty-fifth line, so as to read as follows :—*Section 13.* The receipts from annual rates, assessments, and payments made in lieu thereof, under this act shall, after deducting all charges and expenses for and incident to the maintenance and operation of said system or systems, be applied first to the payment of the interest upon said bonds, notes or scrip issued under the authority of this act, and the balance shall be set apart to meet the requirements of the sinking fund for the payment and redemption of said bonds, notes or scrip, as provided in section nine of chapter twenty-nine of the Public Statutes, or shall be applied by said city of Quincy to extinguish said debt if said sinking fund is not established. If the surplus net income from said rates, assessments, and payments made in lieu thereof, shall in any year be insufficient to pay the interest on said bonds, notes or scrip, and to meet the requirements of law either as to said sinking fund, as hereinbefore provided, or as to the annual payments hereinafter provided for, then in such case said city of Quincy, to meet said deficiency, shall raise forthwith by taxation, in the same manner as money is appropriated and assessed for other city purposes, such sum as will together with said net income be sufficient to meet said requirements of law. Said sinking fund shall be used for no other purposes than the payment and redemption of said debt. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall, so far as applicable, apply to the issue of such bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity. If in any year said surplus net income shall be in excess of the sum necessary to pay said interest and to meet the requirements of the sinking fund for said year, or of the annual payments hereinafter provided for, the surplus, together

1895, 279, § 13,  
amended.

Payment of  
Quincy Sewer-  
age Loan.

Certain pro-  
visions of law  
to apply, etc.

with any other amounts appropriated from time to time by said city of Quincy for the payment of said principal sum, shall be added to said sinking fund or be applied to the reduction of the principal of said debt, either by purchase and retirement of a portion of said outstanding indebtedness or by the payment of the same at maturity. All bonds, notes or scrip of said city of Quincy purchased for redemption or retirement under this act shall be cancelled. The sinking funds of any loan of said city of Quincy may be invested in said bonds, notes or scrip.

1895, 279, § 14,  
amended.

May provide for  
annual pay-  
ments on loan.

SECTION 2. Section fourteen of said chapter two hundred and seventy-nine is hereby amended by striking out the whole of said section and inserting in place thereof the following:— *Section 14.* The said city, instead of establishing a sinking fund, may at the time or times of incurring indebtedness under this act, provide for the payment thereof in such annual payments as will in the aggregate extinguish the same within the time prescribed in this act.

SECTION 3. This act shall take effect upon its passage.

*Approved April 1, 1897.*

### *Chap. 226*

AN ACT TO INCORPORATE THE TOWN OF WESTWOOD.

*Be it enacted, etc., as follows:*

Town of West-  
wood incorpo-  
rated.

SECTION 1. All the territory now within the town of Dedham which lies southwesterly of the following described line, that is to say:— Beginning at the Neponset river at the center of said river and the easterly line of Greenlodge street, where said street crosses said river, thence running north, forty-seven degrees forty-five minutes west, a distance of seven thousand six hundred and forty-eight and seven tenths feet through private lands and crossing Greenlodge street, to a point on the northerly side of East street, at the junction of Canton street with said East street; thence by a course north, seventy degrees fifty-five minutes west, a distance of five thousand five hundred and eighty-six and forty-six one hundredths feet through private lands and crossing the roadbed of the New England railroad, Elm street, and the roadbed of the Norfolk County railroad, to a point on the northerly side of Washington street at the junction of Gay street with said Washington street; thence by a course north, forty-five degrees twenty-six minutes west, a distance of

seven thousand seven hundred and twenty-nine and seven tenths feet through private lands and crossing the Sandy Valley road, to a point on the northerly side of High street at the junction of Grove street with said High street; thence running by a course north fifty degrees twenty-two minutes west, a distance of nine thousand one hundred and forty-seven feet through private lands and crossing Westfield street, to a point in the center of Charles river; thence running southwesterly along said Charles river a distance of three hundred and forty feet about to the present dividing line between the towns of Dover and Dedham, where said line meets the Charles river, — is hereby incorporated into a separate town, by the name of Westwood; and the said town of Westwood is hereby vested with all the powers, privileges, rights and immunities, and shall be subject to all the duties and requirements to which other towns are entitled and subject, under the constitution and laws of the Commonwealth.

Town of Westwood incorporated.

SECTION 2. The inhabitants of and the estates within the said town of Westwood, and the owners of such estates, shall be holden to pay all arrears of taxes which have been legally assessed upon them by the town of Dedham, and all the taxes heretofore assessed and not collected shall be collected and paid to the treasurer of the town of Dedham, in the same manner as if this act had not passed; and until the next state valuation of the town of Westwood shall annually in the month of November pay to the town of Dedham its proportion of such state and county taxes as may be assessed upon said town of Dedham, said proportion to be ascertained and determined by the last valuation of said town of Dedham, and the assessors of the town of Dedham shall make return of said valuation and the proportions thereof in the towns of Westwood and Dedham respectively, to the secretary of the Commonwealth and the county commissioners of the county of Norfolk.

Payment of taxes, etc.

SECTION 3. The towns of Westwood and Dedham shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlement was gained, whether by original acquisition or by derivation, within their respective limits; and the town of Westwood shall pay annually to the town of Dedham such proportion of all costs for the support or relief of those persons who now do or shall hereafter stand in need of relief or support as paupers, whose settlement,

Relief and support of paupers.

by original acquisition or by derivation, was gained by reason of military service as a part of the quota of the town of Dedham, or who cannot be located on the site whence their settlement was derived or whereon it was acquired, as the valuation of the town of Westwood shall bear to the town of Dedham, according to the last state valuation prior to such relief and support.

Division of ex-  
penses of costs  
of suits, etc.

SECTION 4. All suits and proceedings at law or in equity where the cause of action in favor of or against the town of Dedham arose before the passage of this act shall be instituted and prosecuted or defended by the town of Dedham, with the same effect as if this act had not been passed, and the amount recovered in any such suit or proceeding by or against the town of Dedham shall be received or paid, as the case may be, by the town of Dedham, and, including costs, expenses and counsel fees, shall be divided between the towns of Westwood and Dedham in proportion to the last valuation prior to the passage of this act.

Division of cor-  
porate property,  
etc.

SECTION 5. Said towns of Westwood and Dedham shall each retain and hold all the town property, real or personal, now in or belonging to their respective limits. And the town of Westwood shall assume and pay its just and equitable proportion, according to its present assessed valuation, of any debt due or owed from the town of Dedham at the time of the passage of this act, including its proportion of any obligation on the part of the town of Dedham for the expenses of the metropolitan parks and the metropolitan sewers, until a new apportionment is made concerning the same, and shall be entitled to receive its just and equitable proportion, according to said assessed valuation and a valuation hereafter to be made, of all corporate property then owned by the town of Dedham, including in said calculations all the property mentioned in this section. If the property retained and held by the town of Westwood as aforesaid shall exceed its just and equitable proportion of said corporate property, it shall refund to the town of Dedham such sum as shall make such proportions just and equitable. In case the valuation or proportions aforesaid cannot be agreed upon by the town of Dedham with the town of Westwood the same shall be determined by three commissioners, neither of whom shall be residents of the town of Dedham or the town of Westwood, to be appointed by the superior court for the county of Norfolk

upon the petition of either of said towns, and said petition may be filed and appointments made in vacation.

SECTION 6. Any justice of the peace residing in the county of Norfolk may issue his warrant directed to any inhabitant of the town of Westwood, requiring him to notify and warn the inhabitants thereof, qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings, and the officers so chosen, when qualified, shall hold their respective offices until the annual meeting of the year eighteen hundred and ninety-eight and until others are chosen to fill their places. Said warrant shall be served by publishing a copy thereof in two newspapers, each published in said county of Norfolk, and by posting copies thereof in three public places in said town of Westwood, seven days at least before said time of meeting, all of which copies shall be attested by the person to whom the warrant is directed. Said justice, or in his absence such inhabitant, required to notify of the meeting, shall preside until the choice of a moderator of said meeting. The registrars of voters of the town of Dedham shall before said meeting prepare a list of voters in said town of Westwood, qualified to vote at such meeting, and shall deliver the same to the person presiding at such meeting, before the choice of a moderator thereof.

First meeting  
for election of  
officers.

List of voters.

SECTION 7. The territory of the town of Westwood which has heretofore been a part of the town of Dedham shall, for the purpose of electing a representative to congress, remain a part of the eleventh congressional district until otherwise provided by law, and, for the purpose of electing a councillor, shall remain a part of the second councillor district until otherwise provided by law, and, for the purpose of electing a senator, shall remain a part of the second Norfolk senatorial district until otherwise provided by law, and, for the purpose of electing a representative to the general court, shall remain a part of the first Norfolk representative district until otherwise provided by law, and the inhabitants of said territory shall vote for each of said officers in the town of Westwood. The selectmen and clerk of the said town of Westwood, in each of the said cases, shall make returns as if said town had existed at the time of the formation of said dis-

To continue in  
presentelectoral  
districts, etc.

tricts, and said clerk shall meet with the clerks of the towns of Dedham and Norwood, whenever it may be requisite, for the purpose of ascertaining the result of any election of representative to the general court and of making certificate of the same according to law.

Payment of certain expenses.

SECTION 8. Said town of Westwood shall bear the expense of making the necessary surveys and establishing the lines between it and the town of Dedham; and shall pay to the town of Dedham its proportion of the obligation of said town of Dedham under a contract with the Dedham Electric Company, until the expiration of said contract; said proportion to be determined by the number of lights furnished and maintained under said contract within the limits of the town of Westwood, and the amount to be paid by the town of Westwood to be the amount paid for said lights under said contract by the town of Dedham.

Division of amount reimbursed, etc.

SECTION 9. The town of Westwood shall receive from the town of Dedham a proportional part of whatever amount may hereafter be paid by the Commonwealth or by the United States to reimburse the town of Dedham for bounties to soldiers, or for state aid heretofore paid to soldiers' families, after deducting all reasonable expenses.

Rights of corporations not affected.

SECTION 10. All rights heretofore secured to corporations, if any there be, upon the territory hereby incorporated shall continue as if this act had not been passed.

Not to cause vacancy in town office.

SECTION 11. Nothing in this act shall cause a vacancy in any town office in said Dedham for the current town year.

SECTION 12. This act shall take effect upon its passage.

*Approved April 2, 1897.*

**Chap. 227** AN ACT TO PROVIDE FOR REFUNDING A PORTION OF THE AMOUNT PAID FOR A LIQUOR LICENSE IN CASE OF THE DEATH OF THE LICENSEE BEFORE THE EXPIRATION OF THE LICENSE.

*Be it enacted, etc., as follows:*

Part of license money may be refunded in certain cases, etc.

SECTION 1. When a person to whom a license has been granted for the sale of intoxicating liquors dies before the expiration of the term of such license the city or town which granted the license may refund to the administrator or executor of such deceased person a part of the license money proportionate to the unexpired term of the license.



And a proportionate part of the percentage paid to the Commonwealth shall be refunded to the city or town.

SECTION 2. The provisions of the preceding section shall apply to licenses granted in the year eighteen hundred and ninety-six as well as to all licenses thereafter granted.

To apply to licenses granted in 1896, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved April 2, 1897.*

AN ACT TO PERMIT ADOPTED CHILDREN AND ADOPTING PARENTS TO BECOME LEGAL BENEFICIARIES OF FRATERNAL BENEFICIARY ORGANIZATIONS.

*Chap. 228*

*Be it enacted, etc., as follows :*

SECTION 1. Section eight of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting after the word "wife", in the fifteenth line, the words :— child by legal adoption, parent by legal adoption,— so as to read as follows :— *Section 8.* Any corporation duly organized as aforesaid, which does not employ paid agents in soliciting or procuring business other than in the preliminary organization of local branches, and which conducts its business as a fraternal society on the lodge system, or which limits its certificate holders to a particular order, class, or fraternity, or to the employees of towns, cities, or the Commonwealth, or of a designated firm, business house, or corporation, may provide in its by-laws for the payment from time to time as required of a fixed sum by each member, to be paid to the beneficiaries of deceased members, in such amount and manner as shall be fixed by said by-laws and written in the benefit certificate issued to said member, and payable to the husband, wife, affianced husband, affianced wife, child by legal adoption, parent by legal adoption, relatives of, or persons dependent upon such member: *provided, however,* that in any instance where a benefit certificate has been issued in accordance with the above provisions, and the husband, wife, children, father, mother, brothers and sisters have all died, the insured with the consent of the officers of the corporation, and under such rules as they may prescribe, may have the certificate transferred to any other person. Any such corporation may hold as a death fund belonging to the beneficiaries of anticipated deceased members an amount

1894, 367, § 8, amended.

Payment to beneficiaries of deceased members of fraternal beneficiary organizations.

Proviso.

May hold death fund.

Investment of fund.

Emergency fund.

Portion of excess of emergency fund may be returned to living members, etc.

Certain conditional contracts not valid.

Proviso.

not exceeding five assessments from a general or unlimited membership, or an amount not exceeding in the aggregate five assessments from each limited class or division of its members. Such fund, if not exceeding one assessment as aforesaid, while held in trust shall be invested in securities in which insurance companies are allowed by law to invest their capital, or deposited in safe banking institutions subject to sight drafts, for distribution to the beneficiaries aforesaid. The amount of such fund in excess of one assessment shall be deemed an emergency fund, and shall be invested in securities in which insurance companies are allowed by law to invest their capital, or not exceeding twenty per cent. thereof in a building for use and occupancy by the corporation as its home office, within this Commonwealth; and such securities shall be deposited in trust with the treasurer of the Commonwealth, but the corporation shall have at all times the right to exchange any part of said securities for others that said treasurer may determine to be of equal value and character. No portion of said securities shall be drawn except upon a requisition signed by three fourths of the executive committee, or other officers corresponding thereto, and endorsed by the insurance commissioner, setting forth that the same is to be used for the purposes of the trust. Whenever such emergency fund, so acquired and deposited, is in excess of the sum produced from five assessments, the corporation may provide in its by-laws for a return of any portion of such excess to living members, in proportion to their contributions to said fund. Such corporation may also provide in its by-laws for the payment from time to time as required of a fixed sum by each member, and from the amount thus received may make weekly or other payments to members during a period of disability. No portion of the funds herein provided shall be used for any other purposes than as heretofore specifically prescribed, and no assessment for the disability fund shall be called while there remains on hand of such fund an amount equal to that received from one assessment. No contract under this section shall be valid or legal which shall be conditional upon an agreement or understanding that the beneficiary shall pay the dues and assessments, or either of them. Death and disability assessments may be called together: *provided*, that the proportion to be used for either purpose shall be distinctly stated, and

the amount received for each fund shall be held and used only in the manner heretofore provided.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1897.*

AN ACT TO INCORPORATE THE HOUSATONIC WATER WORKS COMPANY. *Chap. 229*

*Be it enacted, etc., as follows:*

SECTION 1. Daniel B. Wesson, Theodore C. Woodbury, Charles L. Long and their associates and successors are hereby made a corporation by the name of the Housatonic Water Works Company, for the purpose of furnishing the village of Housatonic in the town of Great Barrington with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations. The provisions of chapter two hundred and sixty-two of the acts of the year eighteen hundred and eighty-four, except the first section thereof, and of all acts in amendment thereof, shall apply to said corporation.

Housatonic  
Water Works  
Company in-  
corporated.

SECTION 2. A conveyance to the said Housatonic Water Works Company, at a fair valuation, of the property of the Housatonic Water Company, which was obtained by said Theodore C. Woodbury and Charles L. Long by deed of the Farmers Loan and Trust Company, of the city, county and state of New York, given under the decree of foreclosure of the mortgage given by said Housatonic Water Company to said Farmers Loan and Trust Company, which decree was made by the United States circuit court for the district of Massachusetts, and which deed is recorded in the registry of deeds for the southern district of Berkshire county, shall be deemed a sufficient paying in of its capital stock to the extent of such value, if a statement, made, signed and sworn to by the president, treasurer, and a majority of the directors of said water works company, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that said valuation is fair and reasonable, is filed with the secretary of the Commonwealth.

Payment of  
capital, etc.

May issue mortgage bonds, etc.

SECTION 3. Said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in construction of the works, over and above the amount of the capital stock actually paid in.

Issue of stock and bonds to be approved by commissioner of corporations.

SECTION 4. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time, upon investigation by the commissioner of corporations, be deemed by him to be reasonably requisite for the purposes for which such issue of stock or bonds has been authorized. His decision approving such issue shall specify the respective amounts of stock and bonds authorized to be issued, and the purposes to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the certificates of stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

Penalty for corruption of water, etc.

SECTION 5. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Town may take franchise, property, etc.

SECTION 6. The town of Great Barrington shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be

added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of the town of Great Barrington, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town, and shall be deducted from the amount required to be paid by said town to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the voters of said town present and voting thereon at a meeting legally called for that purpose.

Statement of receipts and expenditures to be submitted annually, etc.

SECTION 7. Said town may, for the purpose of paying the cost of said corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate eighty thousand dollars; such bonds, notes and scrip shall bear on their face the words, Great Barrington Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Great Barrington Water Loan.

Sinking fund.

SECTION 8. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in annual payments of such amounts as

May provide for annual payments on loan.

will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Payment of expenses, etc.

SECTION 9. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund as may be required under the provisions of this act.

Water commissioners, election, terms, etc.

SECTION 10. Said town shall, after its purchase of said corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

To be trustees of sinking fund.

Vacancy.

SECTION 11. This act shall take effect upon its passage.

*Approved April 2, 1897.*

### Chap. 230

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE FIRE MARSHAL.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Com-

monwealth from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, to wit: —

For the salary of the state fire marshal, forty-five hundred dollars. State fire marshal.

For the salary of the deputy fire marshal, twenty-five hundred dollars. Deputy.

For the salary of the clerk of the state fire marshal, fourteen hundred dollars. Clerk.

For the salaries of the two stenographers in the office of the state fire marshal, eleven hundred dollars each. Stenographers.

For the salaries of the two chiefs of aids in the office of the state fire marshal, twelve hundred dollars each. Chiefs of aids.

For the salaries of the eleven aids and one chief of secret service in the office of the state fire marshal, one thousand dollars each; and for the salary of a messenger, four hundred dollars. Aids, etc.

For travelling, contingent and incidental expenses, the same to include the services and expenses of persons employed in outside secret investigations, and fees of witnesses, under the direction of the state fire marshal, a sum not exceeding twelve thousand dollars. Travelling, etc., expenses.

For postage, printing, stationery, telephone, telegrams, incidental and contingent office expenses of the state fire marshal, a sum not exceeding twenty-five hundred dollars. Office expenses.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1897.*

AN ACT MAKING FURTHER PROVISION FOR THE PROTECTION OF THE PUBLIC HEALTH IN THE VALLEYS OF THE CONCORD AND SUDBURY RIVERS.

*Chap. 231*

*Be it enacted, etc., as follows:*

In addition to the sum authorized by section two of chapter four hundred and forty-six of the acts of the year eighteen hundred and ninety-six the state board of health is hereby authorized to expend a further sum, not exceeding fifteen hundred dollars, in taking down the canal bridge, so-called, in the town of Wayland, in order to remove the bar upon which it stands, and in replacing said bridge by a suitable structure of stone, steel or wood. Replacing canal bridge in Wayland, etc.

*Approved April 2, 1897.*

**Chap.232** AN ACT TO EXTEND THE TERM OF OFFICE OF THE BOARD OF COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

*Be it enacted, etc., as follows :*

Term of office  
extended.

SECTION 1. The term of office of the board of commissioners for the promotion of uniformity of legislation in the United States, created by chapter four hundred and five of the acts of the year eighteen hundred and ninety-one, as amended by chapter three hundred and eleven of the acts of the year eighteen hundred and ninety-three, is hereby extended for the term of five years from the passage of this act.

Expenses.

SECTION 2. The sum of nine hundred and thirty-two dollars and eighty-two cents, being the unexpended balance of the sum of twenty-five hundred dollars originally appropriated to carry out the provisions of said act, may be expended for such necessary expenses as may be incurred by said board of commissioners in the performance of their duties.

SECTION 3. This act shall take effect upon its passage.

*Approved April 2, 1897.*

**Chap.233** AN ACT REGULATING THE PAYMENT BY TREASURERS OF CITIES AND TOWNS TO THE TREASURER OF THE COMMONWEALTH OF MONEYS RECEIVED FOR LIQUOR LICENSES.

*Be it enacted, etc., as follows :*

Return to be  
made of  
amounts re-  
ceived for liquor  
licenses, etc.

SECTION 1. All treasurers of cities and towns in this Commonwealth shall, within thirty days after the receipt of moneys for liquor licenses granted by their several cities and towns, make a return of amounts so received to the treasurer of the Commonwealth, and at the same time shall pay to him twenty-five per cent. of the amount so received, in accordance with the provisions of section fourteen of chapter one hundred of the Public Statutes.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1897.*

**Chap.234** AN ACT TO EXTEND THE POWERS OF THE BERKSHIRE WATER COMPANY.

*Be it enacted, etc., as follows :*

May extend its  
pipes into town  
of Lenox, etc.

SECTION 1. The Berkshire Water Company, incorporated by chapter one hundred and twenty-seven of the



acts of the year eighteen hundred and eighty, may extend its pipes into the town of Lenox for a distance not exceeding one half mile from the Housatonic river, and may take water from Washington Mountain brook, otherwise called the Basin Pond brook, in the town of Lee. In making such extension of its pipes and in taking such additional water supply said company shall have the same rights and be subject to the same liabilities as if the right to take such additional water and to make such extension of its pipes had been included in the grant contained in its charter.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1897.*

AN ACT RELATIVE TO THE BOSTON CO-OPERATIVE BUILDING COMPANY.

*Chap. 235*

*Be it enacted, etc., as follows :*

SECTION 1. All issues of the capital stock of the Boston Co-operative Building Company in excess of two hundred thousand dollars, made under the authority of chapter one hundred and eighty-four of the acts of the year eighteen hundred and seventy-two prior to the year eighteen hundred and ninety, amounting to nineteen thousand dollars in par value, are hereby ratified and confirmed, and said stock so issued is made valid to all intents and purposes.

Certain issues of capital stock ratified, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved April 2, 1897.*

AN ACT DEFINING THE POWERS OF PROBATION OFFICERS.

*Chap. 236*

*Be it enacted, etc., as follows :*

SECTION 1. Any probation officer may, without warrant or other process, at any time until final disposition of the case, take any person placed in his care by any court and bring him before the court, or the court may issue a warrant for the re-arrest of any such person; and the court may thereupon proceed to sentence or may make any other lawful disposition of the case.

Probation officers may take persons without warrant in certain cases, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved April 3, 1897.*

**Chap.237** AN ACT RELATIVE TO CERTAIN FEES IN MUNICIPAL, DISTRICT AND POLICE COURTS IN BASTARDY CASES, AND TO THE SERVICE OF BASTARDY WARRANTS.

*Be it enacted, etc., as follows :*

Certain fees abolished.

SECTION 1. The fee for receiving complaints and issuing warrants in municipal, district and police courts in bastardy cases, is hereby abolished.

Warrants in bastardy cases.

SECTION 2. Warrants in bastardy cases may be directed to and served by any officer authorized to serve civil or criminal process in any county.

*Approved April 3, 1897.*

**Chap.238** AN ACT TO CONFIRM THE LOCATIONS OF THE BOSTON AND MAINE RAILROAD AND THE BOSTON, REVERE BEACH AND LYNN RAILROAD COMPANY IN THE TOWN OF REVERE.

*Be it enacted, etc., as follows :*

Locations and takings of Boston and Maine Railroad and Boston, Revere Beach and Lynn Railroad Company in Revere ratified.

SECTION 1. The new locations and takings of the Boston and Maine Railroad and of the Boston, Revere Beach and Lynn Railroad Company, as shown by the descriptions and plans accompanying the same, filed with the county commissioners of Middlesex county and with the aldermen of the city of Boston by said companies respectively, in and within the town of Revere in the county of Suffolk, in consequence of the taking by the metropolitan park commission, under chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-four and chapter three hundred and five of the acts of the year eighteen hundred and ninety-five, of a portion of the old location of said Boston, Revere Beach and Lynn Railroad Company, in and within said town of Revere, and of the taking of a portion of the old location of the Boston and Maine Railroad, in said town of Revere, by said Boston, Revere Beach and Lynn Railroad Company, under said acts, are hereby ratified and confirmed as valid locations and takings, to all intents and purposes, of the lands described in said locations and takings and in the plans accompanying the same : *provided, however*, that claims for damages by reason of said locations and takings, or any of them, not heretofore legally satisfied, may be made and enforced in the same manner and with the same effect as if the filing of the said locations and takings, and

Proviso.

of each and all of them, were first made at the time of the passage of this act.

SECTION 2. This act shall take effect upon its passage.

*Approved April 3, 1897.*

AN ACT TO REVISE THE CHARTER OF THE CITY OF CHICOPEE.

*Chap. 239*

*Be it enacted, etc., as follows :*

TITLE I. MUNICIPAL GOVERNMENT.

SECTION 1. The inhabitants of the city of Chicopee shall continue to be a body politic and corporate, under the name of the City of Chicopee, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations, now incumbent upon and appertaining to said city as a municipal corporation. City of Chicopee.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall, except the affairs of the public schools of said city, be vested in an executive department, which shall consist of one officer, to be called the mayor, and in a legislative department, which shall consist of a single body, to be called the board of aldermen, the members whereof shall be called aldermen. The executive department shall never exercise any legislative power, and the legislative department shall never exercise any executive power, except as herein otherwise provided. Administration of municipal affairs, etc.

SECTION 3. The territory of said city shall continue to be divided into seven wards, which shall retain their present boundaries until the same shall be changed under the general law relating thereto. The number of wards may, in any year fixed by law for a new division of wards in cities, be changed by vote of the board of aldermen, with the approval of the mayor, at or prior to making such division ; but the number of wards shall never be less than seven. Seven wards.

TITLE II. ELECTIONS AND MEETINGS.

SECTION 4. All meetings of the qualified voters of said city for the purpose of voting at elections of national, state, county, district and municipal officers, and for other municipal or legal purposes, shall be called by order of the board of aldermen, and, so far as appli- Meetings of qualified voters.

cable, in the manner provided by law for calling elections in cities.

Municipal  
election and  
municipal year.

SECTION 5. The annual municipal election shall take place on the second Tuesday of December, and the municipal year shall begin at ten o'clock in the morning on the first Monday of January next following.

Certain officers  
to be elected  
by ballot.

SECTION 6. At such annual municipal election the qualified voters shall give in their votes by ballot for mayor, city clerk, city treasurer, members of the board of aldermen and of the school committee, or of such of them as are to be elected, and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office, and whenever two or more persons are to be elected to the same office the several persons up to the number required to be chosen receiving the highest number of votes shall be deemed and declared to be elected.

Vacancies, etc.

SECTION 7. If it shall appear that there is no choice of a mayor, or if the person elected mayor shall refuse to accept the office, or shall die before qualifying, or if a vacancy in said office shall occur more than three months previous to the expiration of the municipal year, the board of aldermen shall forthwith call meetings for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of a mayor, and shall be repeated until the election of a mayor is completed. In case a vacancy in the office of mayor shall occur within the three months previous to the expiration of the municipal year the board of aldermen may, in its discretion, call meetings for the holding of a new election as aforesaid to fill the vacancy. If the full number of members of the board of aldermen has not been elected, or if a vacancy in the office of alderman shall occur more than six months previous to the expiration of the municipal year, the board of aldermen may forthwith elect some person or persons to fill the vacancy or vacancies until the next municipal election. In case of a vacancy in the office of city clerk or city treasurer the board of aldermen shall elect a city clerk or city treasurer to fill such vacancy until the next municipal year; and in case of the temporary absence or disability of the city clerk or of the city treasurer the board of aldermen shall elect a city clerk or city treasurer pro tempore. In each of such cases the city clerk or city treasurer shall be sworn

and shall perform the duties of the office to which he is elected.

SECTION 8. General meetings of the citizens qualified to vote may from time to time be held, according to the right secured by the constitution of the Commonwealth, and all such meetings may, and upon the request in writing of fifty qualified voters, setting forth the purposes thereof, shall be duly called by the board of aldermen.

General meetings of qualified voters.

SECTION 9. The board of aldermen may, when no convenient wardroom for holding the meeting of the citizens of any ward can be had within the territorial limits of such ward, appoint and direct in the warrant for calling the meeting of such ward that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purposes the place so assigned shall be deemed and taken to be a part of the ward in which the election is held.

Ward meetings may be held in adjacent ward.

### TITLE III. LEGISLATIVE DEPARTMENT.

SECTION 10. The board of aldermen shall be composed of ten members at large and one member from each ward of the city, who shall be elected as follows: — At the first municipal election held under this act said ten members at large of the board of aldermen shall be elected by the qualified voters of the entire city, five to serve for the term of two years and five to serve for the term of one year, beginning with the first Monday in January next ensuing, and thereafter five members at large of said board of aldermen shall be elected in like manner at each annual municipal election, to serve for the term of two years, beginning with the first Monday in January next ensuing. At said first municipal election one member of the board of aldermen from each ward shall be elected by and from the voters of each ward, to serve for the term of one year, beginning with the first Monday in January next ensuing, and thereafter one member of the board of aldermen from each ward shall be elected by and from the voters of each ward at each annual municipal election, to serve for the term of one year, beginning with the first Monday in January next ensuing. At said first municipal election no voter shall vote for more than three of the candidates for members at large of the board of aldermen to be elected for each term, and the five candidates for members

Board of aldermen, election, terms, etc.

Board of aldermen, election, terms, etc.

at large of said board having the highest number of votes for each term shall be declared elected. At all municipal elections, except an election to fill a vacancy, subsequent to the said first municipal election, no voter shall vote for more than three of the candidates for members at large of the board of aldermen to be elected at an annual municipal election on one ballot, and the five candidates for members at large of the board having the highest number of votes shall be declared elected. The members at large of the board of aldermen shall hold office for two years, except as is herein otherwise provided, and the members of the board of aldermen from the wards shall hold office for one year, beginning with the first Monday in January next succeeding their election, and until their successors shall be elected and qualified. In case it should become necessary to fill at an election a vacancy or vacancies in the board of aldermen a voter may vote for the alderman necessary to fill such vacancy or vacancies, in addition to the number to be voted for, as above-provided. In case any alderman elected by the voters of any ward shall remove to another ward in the city subsequent to his election, such removal shall not disqualify him from performing the duties of his office during the term for which he was elected.

Oath of office of mayor and aldermen.

SECTION 11. The mayor elect and the aldermen elect shall, on the first Monday in January, at ten o'clock in the forenoon, meet and be sworn to the faithful discharge of their duties. The oath shall be administered by the city clerk or by any justice of the peace, and a certificate that such oath has been taken shall be entered in the journal of the board of aldermen. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall not then have been elected, the oath of office may at any time thereafter be administered to him in the presence of the board of aldermen, and at any time thereafter in like manner the oath of office may be administered in the presence of the board of aldermen to any member of the board of aldermen who has been previously absent or who has been subsequently elected, and a certificate of every such oath shall be entered in the journal aforesaid.

Organization of board of aldermen, etc.

SECTION 12. After the oath has been administered to the aldermen present they shall be called to order by the city clerk, or in case of the absence of the city clerk by the oldest senior member present. The board of aldermen shall

then proceed to elect by ballot one of their own number president of the board. No other business shall be in order until a president is chosen. The president shall be sworn by the city clerk, or in case of the absence of such clerk by any justice of the peace. The president may be removed from the presidency of the board of aldermen by the affirmative vote of two thirds of all the members thereof, taken by roll call. The president of the board shall have the same right to vote as any other member thereof.

SECTION 13. The board of aldermen shall hold regular meetings at such times as may be designated by the board by general rule. The mayor may at any time call a special meeting of the board, and shall call a special meeting upon the request in writing of one third of the members. Such request shall state the subjects to be considered at the meeting. The mayor shall cause a written notice of such special meeting, stating the subjects to be considered thereat, to be given in hand to each member or to be left at his usual place of residence, or at any address designated by him in a writing filed with the city clerk, at least twenty-four hours previous to the time appointed for the meeting, and no final action shall be taken at such special meeting on any business not stated in such notice, except with the unanimous consent of all the members of the board. For the purpose of drawing jurors it shall not be necessary to formally call a meeting of the board, but a majority of the members of the board, meeting with the mayor and the city clerk in the aldermanic chamber, may draw jurors whenever required, in the manner provided by law, and a record thereof, containing the names of the aldermen present, shall be entered by the city clerk upon the records of the board.

Meetings of board of aldermen.

SECTION 14. The board of aldermen shall determine the rules of its own proceedings and shall be the judge of the election and qualifications of its own members. In case of the absence of the president the board shall choose a president pro tempore, and a plurality of the votes cast shall be sufficient for a choice. All meetings of the board shall be public, and a journal of its proceedings shall be kept, which journal shall be open to public inspection. The vote of the board upon any question shall be taken by roll call when the same is requested by at least three members. A majority of the members of the board shall con-

To determine rules of its proceedings, be judge of election of its members, etc.

Quorum.

stitute a quorum, but a smaller number may adjourn from day to day. The board shall, so far as is not inconsistent with this act, have and exercise all the legislative powers of towns and of the inhabitants thereof, and shall have and exercise all the powers now vested by law in the city of Chicopee and in the inhabitants thereof, as a municipal corporation, and be subject to all the liabilities of city councils and of either branch thereof, under the general laws of the Commonwealth, and it may by ordinance prescribe the manner in which such powers shall be exercised. Its members shall receive no compensation for their services as members of the board of aldermen or of any committee thereof.

Certain officers to be entitled to seats with board of aldermen.

SECTION 15. The chairman of the board of overseers of the poor and the member of the school committee appointed for that purpose shall be respectively entitled to seats with the board of aldermen, and shall have the right to discuss all matters relating to their respective departments of city affairs, but without the right to vote. They shall be notified in like manner with members of the board of all special meetings in which action may be taken affecting the interests of their respective departments.

Board of aldermen to elect certain officers by ballot, etc.

SECTION 16. The board of aldermen shall annually in the month of January elect by ballot a city auditor, a city collector, and a city messenger, each of whom shall hold his office for the term of one year, beginning with the first Monday in February in the year of his election and until his successor is elected and qualified, unless sooner removed. Said board of aldermen shall also annually in the month of January elect by ballot one assessor of taxes, one member of the board of health, one trustee of the public library, each of whom shall hold his office for the term of three years, beginning with the first Monday in February in the year of his election and until his successor is elected and qualified, unless sooner removed. Any of said officers may be removed at any time by the board of aldermen for sufficient cause, after hearing. The present assessors of taxes, members of the board of health, and members of the library committee, shall continue to hold their respective offices, unless sooner removed, for the terms for which they were originally elected, the library committee to be hereafter known as trustees of the public library. Elections to the board of health shall



be so made that at least one member thereof shall be a doctor of medicine.

SECTION 17. Neither the board of aldermen nor any member or committee thereof shall directly or indirectly take part in the employment of labor, the making of contracts, the purchasing of materials or supplies, the construction, alteration or repair of any public works, buildings or other property, or the care, custody or management of the same; or in the conduct of any of the executive or administrative business of the city, or in the expenditure of public money, except as herein otherwise provided, and except such as may be necessary for the contingent and incidental expenses of the board of aldermen; nor in the appointment or removal of any officers, except as is herein otherwise provided. But nothing in this section contained shall affect the powers or duties of the board in relation to aid granted under the laws relating to state aid, military aid, soldiers' relief, and from the war relief fund of the city.

Not to take part in employment of labor, making of contracts, etc.

Aid to disabled soldiers and sailors, etc.

SECTION 18. The board of aldermen shall appropriate annually in the month of March the amount necessary to meet the expenditures of the city for the current municipal year, and shall fix by order or otherwise the appropriations for the several departments and officers which may be expended during the year. It shall take care that no money is paid from the treasury unless granted and appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties from all persons intrusted with the receipt, custody or disbursement of money. It shall, as often as once in each year, and not later than the fifteenth day of November, cause to be published for the use of the inhabitants a complete account of the appropriations, receipts and expenditures of the city, and a statement of the city debt.

Appropriations, expenditures, etc.

Account of receipts and expenditures to be published, etc.

SECTION 19. The board of aldermen shall have the power within said city to make and establish ordinances, and to affix thereto penalties for the violation thereof, as herein or by general law provided, without the sanction of any court or justice thereof.

City ordinances, penalties.

SECTION 20. The board of aldermen may establish a fire department for said city, to consist of a chief engineer and such other officers and members as the board of aldermen by ordinance shall from time to time pre-

Fire department.

Fire depart-  
ment.

scribe ; and said board of aldermen shall have authority to fix the time of their appointment and the term of their service, to define their powers and duties, and in general to make such regulations concerning the pay, conduct and government of such department, the management of fires and the conduct of persons attending fires, as they may deem expedient, and may fix such penalties for any violation of such regulations, or any of them, as are provided for the breach of the ordinances of said city. The appointment of all officers and members of such department shall be vested in the mayor exclusively, who shall also have authority to remove from office, after hearing, any officer or member for such cause as he shall deem sufficient. The engineers so appointed shall be firewards of the city ; but the aldermen may authorize the appointment of additional firewards. The compensation of the officers and members of the department shall be fixed by ordinance.

Fire limits may  
be established,  
etc.

SECTION 21. The board of aldermen shall have power to establish fire limits within the city, and from time to time change or enlarge the same ; and by ordinance it may regulate the construction of all buildings erected within said fire limits, stipulating their location, size, and the material of which they shall be constructed, and may make such other rules and regulations as shall tend to prevent damage by fire : *provided*, that such rules and regulations shall not be inconsistent with the laws of the Commonwealth.

Proviso.

Police depart-  
ment.

SECTION 22. The board of aldermen shall establish by ordinance a police department, consisting of a city marshal and of such subordinate officers and other members of the police force as it may prescribe, and may make regulations for the government of said department. The power of appointment of said city marshal, subordinate officers and members of the police force shall be vested in the mayor exclusively, and he shall have power to remove the members of the regular police force, after hearing, for such cause as he shall deem sufficient. All the members of the present regular police force except the chief of police or marshal, and such members as may hereafter be appointed except the city marshal, shall hold office during good behavior, and be subject to removal in the manner above-provided. The mayor shall have the power to remove the city marshal at any time. The city mar-

shal shall give a bond to the city in such sum and with such sureties as the board of aldermen may from time to time require.

SECTION 23. The board of aldermen shall, with the approval of the mayor, have exclusive authority and power to order the laying out, locating anew, altering or discontinuing, and the making of specific repairs and alterations in all streets, ways and highways within the limits of the city, and to assess the damage sustained by any person thereby, and further, except as is herein provided, to act in all matters relating to such laying out, locating anew, altering or discontinuing. Any person aggrieved by the assessment of his damages, or other action of the board of aldermen under this section, shall have all the rights and privileges now allowed by law in such cases in appeals from decisions of selectmen of towns.

Streets, highways, etc.

SECTION 24. The board of aldermen may, with the approval of the mayor, cause suitable sidewalks to be laid, curbstones to be set between such sidewalks and the portion of the streets used by vehicles, and grass plots to be laid out and graded between such sidewalks and curbstones, and shall assess one half the expense thereof upon the persons owning lands and estates against which such sidewalks are to be made, apportioning the same equitably where there are two or more adjacent owners.

Sidewalks, etc.

SECTION 25. Any ordinance, order, resolution or vote involving the appropriation or expenditure of money to an amount which may exceed two hundred dollars shall require for its passage the affirmative votes of a majority of all the members of the board of aldermen, and every such ordinance, order, resolution or vote shall be read twice, with an interval of at least two days between the two readings, before being finally passed, and the vote on its final passage shall be taken by roll call: *provided, however*, that upon the written recommendation of the mayor the board of aldermen may pass such ordinance, order, resolution or vote on the same day by a two thirds yeas and nays vote.

Majority vote of all members necessary for the passage of certain ordinances, etc.

Proviso.

SECTION 26. No member of the board of aldermen shall, during the term for which he is elected, hold any other office in or under the city government, have the expenditure of any money appropriated by the board of aldermen, or act as counsel in any matter before the board

Members of board of aldermen not to hold other city office, etc.

of aldermen or any committee thereof; and no person shall be eligible for appointment to any municipal office established by the board of aldermen during any municipal year within which he was an alderman, or until the expiration of the succeeding municipal year.

Certain ordinances subject to approval of mayor.

SECTION 27. Every ordinance, order, resolution or vote of the board of aldermen, except such as relates to its own internal affairs or to its own officers or employees, shall be presented to the mayor. If he approves thereof he shall signify his approval by signing the same, but if not he shall return the same with his objections, to the board of aldermen, which shall enter the objections of the mayor at length upon its records, and proceed to reconsider said ordinance, order, resolution or vote, and if after such reconsideration two thirds of the board of aldermen, notwithstanding such objections, vote to pass the same, it shall be in force. In all cases the vote shall be taken by yeas and nays. If such ordinance, order, resolution or vote shall not be returned within ten days after it shall have been presented to the mayor the same shall be in force. He may except from his approval of any ordinance, order, resolution or vote which he has the power to veto, any portion involving a distinct item of expenditure, and in such case instead of returning the original he shall transmit a copy of such portion not approved, which portion shall be reconsidered in the manner and with the effect above-provided. The veto power of the mayor shall not extend to elections.

#### TITLE IV. EXECUTIVE DEPARTMENT.

Executive powers vested in mayor, etc.

SECTION 28. The executive powers of the city shall be vested solely in the mayor, and may be exercised by him either personally or through the several officers or boards of the city in their departments, under his general supervision and control. In case of any vacancy in any office to which appointment is made by the mayor he may personally perform the duties thereof, but he shall not be entitled to receive any salary or pay attaching thereto. The mayor shall hold office for the municipal year beginning with the first Monday in January next following his election and until his successor is elected and qualified.

Term of office.

Appointment and removal of municipal officers.

SECTION 29. The mayor shall have the sole power of appointment to all the municipal offices established by

or under this act, unless herein otherwise provided, and he may, except as herein otherwise provided, remove from office any officer so appointed hereunder for sufficient cause, after hearing.

SECTION 30. Whenever by reason of sickness or other cause the mayor shall be disabled from performing the duties of his office the president of the board of aldermen, or in his absence or disability the city treasurer, shall, under the style of acting mayor, perform the duties of mayor. Such officer shall during the continuance of such disability have all the rights and powers of mayor, except that he shall not when so acting have the power of removal, unless thereto in any instance authorized by vote of the board of aldermen, nor any power of appointment, unless such disability of the mayor has continued for a period of thirty days, and then subject to the approval of the board of aldermen, nor power to approve or disapprove any ordinance, order, resolution or vote until within twenty-four hours of the time when it would take effect without the approval of the mayor. In case of such disability of the mayor continuing for a period exceeding sixty days the board of aldermen may at any time after the expiration of that period declare a vacancy to exist in the office of mayor. While the president of the board of aldermen is acting as mayor he shall not preside over the board of aldermen nor have a vote therein.

By whom duties may be performed in case of disability of mayor.

SECTION 31. Whenever there shall be a vacancy in the office of mayor the president of the board of aldermen shall act as mayor, and possess all the rights and powers of mayor during such vacancy, except that when so acting as mayor he shall not have the power of appointment or removal unless thereto in any instance authorized by vote of the board of aldermen.

President of board of aldermen to act in case of vacancy in office of mayor.

#### TITLE V. SCHOOL DEPARTMENT.

SECTION 32. The management and control of the public schools of said city shall be vested in a school committee, consisting of two members at large and one from each ward of the city. At the annual municipal election held in the year eighteen hundred and ninety-seven there shall be elected two members of the school committee from the city at large, one member for the term of two years and one member for the term of one

School committee, election, terms, etc.

School committee, election, terms, etc.

year, and one member of the school committee from each of the following wards, namely:— Wards five, six and seven, to serve for the term of three years beginning with the first Monday in January next ensuing; at the annual municipal election held in the year eighteen hundred and ninety-eight there shall be elected one member of the school committee at large, and one member from each of the following wards, namely:— Wards three and four, to serve for the term of three years from the first Monday in January next ensuing; at the annual municipal election held in the year eighteen hundred and ninety-nine there shall be elected one member of the school committee at large, and one member from each of the following wards, namely:— Wards one and two, each for the term of three years from the first Monday in January next ensuing; and at each annual municipal election thereafter there shall be elected three members of the school committee, who shall hold their offices for the term of three years beginning with the first Monday in January next succeeding such election, as successors to those whose terms of office expire on said first Monday in January. Each of the present members of the school committee shall continue to hold his office for the term of three years beginning with the first Monday in January next after his election.

Vacancies, etc., on school committee.

SECTION 33. In case of a vacancy in or non-election to the office of a member of the school committee the mayor shall call a joint convention of the board of aldermen and of the school committee, and such vacancy shall, by vote of a majority of all the members of the two bodies, be filled by the election of a member according as the vacancy or non-election exists, to serve until the end of the municipal year in which the order calling the next annual municipal election shall be passed; at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term, in the same manner as the member whose office is vacant was elected.

Organization.

The school committee shall meet on the first Wednesday after the first Monday in January in each municipal year, and shall at such meeting, or as soon thereafter as may be, choose by ballot a chairman from among its members, and the votes of a majority of all the members of the school committee shall be required to elect. The mayor may be present at all sessions of the school com-

Mayor may be present at sessions, etc.

mittee, and when present may participate in the discussions. The committee shall be the judge of the election and qualifications of its members and shall determine the rules of its proceedings. A majority of the whole number provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

SECTION 34. The school committee shall annually appoint, but not from their own number, a superintendent of schools, who shall act as secretary of the board. The committee shall fix the salary of such superintendent and may remove him for cause. The committee shall annually elect one of their own number to attend the meetings of the board of aldermen for the purpose hereinbefore mentioned.

SECTION 35. The school committee shall exercise the powers and discharge the duties imposed by law upon school committees. All orders, resolutions or votes of the school committee, except those fixing salaries, which involve the expenditure of money, shall be presented to the mayor for his approval, and thereupon the same proceedings shall be had by the mayor and school committee as are provided in section twenty-seven of this act to be had by the mayor and board of aldermen; but nothing in this act contained shall affect the powers and duties of the committee in relation to votes cast at elections. The school committee shall, on or before the first Monday in January in each year, submit to the mayor an estimate in detail of the amount deemed by it necessary to expend for its purposes during the ensuing financial year, and the mayor shall transmit the same with the estimates of the departments to the board of aldermen, and shall recommend such appropriation as he shall deem necessary.

SECTION 36. The school committee shall be the original judge of the expediency and necessity of having additional or improved accommodations for any public school within the limits of the city; and whenever in its opinion a schoolhouse is required or material alterations are needed it shall send a communication to the board of aldermen, stating the locality and the nature of the further provisions for schools which are needed. The board of aldermen shall not authorize the erection of a schoolhouse or any addition thereto, nor pass any appropriation for such

Quorum.

Superintendent of schools, appointment, etc.

Powers and duties of school committee, etc.

To submit an annual estimate of expenses.

To be judge of necessity of additional accommodations, etc.

purpose, until plans of the same have been approved by vote of the school committee, and such approval has been certified in writing to the board of aldermen by the chairman of said committee. Whenever the board of aldermen shall authorize the erection of a school building or any addition thereto one member of the school committee, to be designated by the mayor, shall be a member of any commission or committee which may be appointed to have supervision of the erection of such building or addition.

Repairs, purchase of supplies, etc.

SECTION 37. The school committee shall have the sole authority to make repairs to existing school buildings, including the purchasing of furniture and supplies, and apparatus for heating and ventilating said buildings.

#### TITLE VI. ADMINISTRATIVE OFFICERS.

Administrative officers, appointment, terms, duties, etc.

SECTION 38. There shall be the following administrative officers, who shall be appointed by the mayor and who shall perform the duties by law and hereinafter prescribed for them respectively, and such further duties, not inconsistent with the nature of their respective offices, as the board of aldermen may from time to time prescribe. A city solicitor; a city marshal; a superintendent of streets; a city engineer; an inspector of wires; a board of overseers of the poor, to consist of three persons; a board of almoners under the Whiting Street will, to consist of three persons; a board of water commissioners, to consist of three persons; a board of commissioners of Fairview cemetery, to consist of three persons. The city solicitor and city marshal shall be appointed annually in the month of January, and each shall hold his office for the term of one year beginning with the first Monday in January in the year of his appointment, unless sooner removed, and until his successor is appointed and qualified. The superintendent of streets, the city engineer and the inspector of wires shall be appointed annually in the month of January, and each shall hold office for the term of one year beginning with the first Monday in February in the year of his appointment, unless sooner removed, and until his successor is appointed and qualified. Each of the present members of the board of overseers of the poor, and of the almoners under the Whiting Street will, and of the water commissioners, and of the commissioners of Fairview cemetery, shall continue to



hold office for the term for which he was elected or appointed, unless sooner removed, and until his successor is appointed and qualified. In the month of January in each year one member of each of said boards shall be appointed, who shall hold office for the term of three years beginning with the first Monday in February in the year of such appointment, unless sooner removed, and until his successor is appointed and qualified.

**TITLE VII. POWERS AND DUTIES OF OFFICERS.**

**SECTION 39.** The city clerk shall be the clerk of the board of aldermen and shall have charge of all journals, records, papers and documents of the city. He shall engross all ordinances passed by the board of aldermen, in a book provided for that purpose, and shall add proper indexes, which book shall be deemed a public record of such ordinances. He shall perform such other duties as are required by law or shall be prescribed by the board of aldermen.

City clerk,  
duties, etc.

**SECTION 40.** The city collector shall be collector of taxes, and shall have all the powers of a town treasurer when appointed collector of taxes. He shall also be the collector of all moneys due the city from every source, except as may be otherwise provided by ordinance.

City collector,  
duties, etc.

**SECTION 41.** The superintendent of streets shall, under the general direction of the mayor, have all the powers and be subject to all the duties, liabilities and penalties which are by law given to or imposed upon surveyors of highways and road commissioners of towns, except as herein otherwise provided.

Superintendent  
of streets,  
powers and  
duties.

**SECTION 42.** The board of health shall annually appoint an agent, who shall not be one of their own number, whose compensation shall be determined by the board of aldermen. The members of said board shall serve without compensation.

Board of health  
to appoint an  
agent, etc.

**SECTION 43.** The trustees of the public library shall serve without compensation and shall have the supervision, management and care of the public library of said city. Said trustees shall annually appoint, but not from their own number, one or more librarians, to be under the direction and control of said trustees, and may for sufficient cause remove said librarians. The compensation of said librarians shall be fixed by the board of aldermen.

Trustees of  
public library,  
etc.

City physician  
and almoner,  
appointment,  
duties, etc.

**SECTION 44.** The overseers of the poor shall annually appoint a city physician and an almoner, neither of whom shall be one of their own number, who shall, under the direction of said overseers, severally perform such duties as may be required by ordinance, and such further duties as said overseers may from time to time require. They may be removed from office at any time by the overseers for such cause as said overseers may deem sufficient. Members of the board of overseers of the poor shall serve without compensation.

Superintendent  
of water de-  
partment,  
appointment,  
duties, etc.

**SECTION 45.** The board of water commissioners shall annually in the month of February appoint a superintendent of the water department, who shall not be one of their own number, who shall hold office for the term of one year from the first Monday in March next ensuing and until his successor is elected, unless sooner removed, and who shall perform such duties as may be required by ordinance, and such further duties as said board may from time to time require. Said superintendent may be removed by said board at any time for cause, and his compensation shall be determined by the board of aldermen. The members of said board shall serve without compensation.

Commissioners  
of Fairview  
cemetery,  
powers and  
duties, etc.

**SECTION 46.** The commissioners of Fairview cemetery shall have general charge and control of all public cemeteries owned by the city, subject to such ordinances as may from time to time be adopted, and may make such regulations relative to the care and use thereof, not inconsistent with such ordinances, as they may deem necessary. They may appoint and prescribe the duties of a superintendent of cemeteries, who shall not be one of their own number, and who shall receive such compensation as the board of aldermen may from time to time determine. The sale of lots in such cemeteries shall be regulated by ordinance. Said commissioners shall serve without compensation.

Commissioners  
of city property,  
powers and  
duties.

**SECTION 47.** The mayor, the president of the board of aldermen, and the city engineer, shall constitute a board, to be called commissioners of city property, who shall have general charge, care and control of all property owned by the city, not herein otherwise provided for, shall keep the same in repair and purchase supplies therefor, and shall also have general charge of all matters relating to the executive or administrative departments

of city affairs which are not included in the duties of any other administrative officer or board.

**SECTION 48.** All administrative officers and boards herein established, and all administrative officers and boards hereafter established by the board of aldermen not coming within the department of any officer or board above-named shall have power, except as herein otherwise provided, to appoint or employ and remove or discharge all officers, clerks and employees in their respective departments. Such appointments shall not be for any specified term, but shall hold good until removal or discharge. Orders of removal shall state the reasons therefor, and shall be entered upon the record of the officer or board making the same, and the removal shall take effect upon the filing of a copy of such order with the city clerk. The above-named administrative officers and boards shall, in their respective departments, make all necessary contracts for work and for the furnishing of the materials and supplies for the city, and for the construction, alteration, repair and care of public works, institutions, buildings and other property, except that the repair of schoolhouses shall be under the direction and control of the school committee; and said administrative officers and boards shall have, subject to the mayor, direction and control of all the executive and administrative business of the city. No permanent improvement shall be commenced by any officer or board except upon the written order of the mayor. Said officers and boards shall at all times be accountable to the mayor, as the chief executive officer, for the faithful discharge of their duties.

Administrative officers, etc., may appoint or remove clerks, etc.

To make necessary contracts, etc.

#### TITLE VIII. GENERAL PROVISIONS.

**SECTION 49.** No person shall be eligible to any of the offices of the city government except superintendent of schools and city engineer unless he is a citizen and has been a resident of the city at least two years.

Certain persons not eligible.

**SECTION 50.** Each officer who is elected by the board of aldermen or appointed by the mayor shall be notified by the city clerk of his election or appointment, and shall within seven days after receiving such notice file with the city clerk his acceptance in writing, subject to the statutes of the Commonwealth and the ordinances of

Officers to be notified of appointment or election, oath of office, etc.

the city, and take and subscribe an oath for the faithful discharge of the duties of the office, and any officer failing so to do shall be deemed to have declined the office.

Certificate stating reason to be filed in case of removal of officers, etc.

SECTION 51. Whenever any officer shall be removed by the mayor or by any board a certificate of such removal, stating the reason therefor, shall be filed with the city clerk, there to remain on file for public inspection; and whenever any officer shall be removed by the board of aldermen the reason therefor shall be expressed in the vote of removal, and the same shall be written at length upon the records of the board. The city clerk, upon receipt of any order of removal, or upon the passage of any vote of removal by the board of aldermen, shall cause a copy thereof to be served forthwith upon the officer so removed, personally or by leaving the same at his last and usual place of abode, and the office shall be deemed to be vacant from the time of the service of such notice.

Offices to become vacant under certain conditions.

SECTION 52. Any office established under and by virtue of this act shall become vacant if the incumbent shall cease to be a resident of the city. The conviction of the incumbent of any such office of a crime punishable by imprisonment shall operate to create a vacancy in the office held by him.

Filling of vacancies.

SECTION 53. Vacancies which may at any time occur in any office which is filled by election by the board of aldermen or by appointment by the mayor may be filled for the unexpired term by election or appointment, in the same manner as the officer whose place is vacant was elected or appointed.

Estimates of expenses, etc.

SECTION 54. The administrative officers and boards above-named shall annually on or before the first Monday in January furnish to the mayor an itemized and detailed estimate of the moneys required for their respective departments or offices during the ensuing financial year. The mayor, president of the board of aldermen, and the city treasurer, shall examine such estimates and shall submit the same with their recommendations for appropriations in itemized and detailed apportionment to the board of aldermen on or before the first day of March.

Appropriations, expenditures, etc.

SECTION 55. No sum appropriated for a specific purpose shall be expended for any other purpose, and no expenditure shall be made nor liability incurred by or in behalf of the city until an appropriation has been duly voted by the board of aldermen, sufficient to meet such

expenditure or liability, together with all prior unpaid liabilities which are payable out of such appropriation, except in accordance with the written recommendation of the mayor to the board of aldermen, approved by the yeas and nays vote of two thirds of the board: *provided, however,* that after the expiration of the financial year and until the passage of the regular annual appropriations, liabilities payable out of a regular appropriation to be contained therein may be incurred to an amount not exceeding one fourth of the total of such appropriation for the preceding year. Every bill, pay roll or other voucher covering an expenditure of money shall be approved by the signatures on the back of such bill or voucher of the officer or of the majority of the board or committee having control of or incurring such expenditure, and after such approval such bills, pay rolls or vouchers shall be turned over to the auditor. The financial year shall begin with the first day of December in each year, and all provisions of law relating to the assessment of taxes and temporary loans in anticipation of taxes shall be construed to apply to said financial year.

Proviso.

Financial year.

SECTION 56. Every administrative board, through its chairman, and every officer having charge of a department, shall, at the request of the board of aldermen, appear before it and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or officer; and when so requested to appear the officer who appears shall have the right to speak upon all matters under consideration relating to his department.

Officers to give certain information upon request.

SECTION 57. Nothing herein contained shall affect the enforcement of the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being, "An Act to improve the civil service of the Commonwealth and the cities thereof", and acts in amendment thereof and in addition thereto, or of the rules made by the commissioners appointed thereunder; and the board of aldermen shall make sufficient and proper appropriations for the carrying out and enforcement of said acts and rules in said city.

Civil service.

SECTION 58. All contracts made by any department of the city shall, when the amount involved is two hundred dollars or more, be in writing, and no such contract shall be deemed to have been made or executed until the

Certain contracts to be approved by mayor, etc.

approval of the mayor is affixed thereto. All contracts, when the amount involved is one thousand dollars or more, shall be accompanied by a bond, to an amount and with sureties satisfactory to the mayor, or by a deposit of money or other security for the faithful performance of such contracts; and such bonds or other security shall be deposited with the city treasurer until the contract has been carried out in all respects; and no such contract shall be altered except by a written agreement of the contractor, the sureties on his bond, and the officer or board making the contract, with the approval of the mayor affixed thereto.

Not to make  
certain con-  
tracts, etc.

SECTION 59. Neither the mayor nor any officer of the city, nor any member of any city board, committee or commission having authority to expend money or to incur indebtedness on account of the city shall directly or indirectly contract with himself or with any other member of the same board, committee or commission, for the rendering of services to the city or the furnishing of materials or supplies to the city, or to any person for or on account of the city, unless authorized to do so by vote of the board of aldermen, with the approval of the mayor, and any contract made in violation of this section shall be void: *provided*, that this section shall not apply to the payment of the incidental and necessary expenses of such officer or board.

Proviso.

Salaries of city  
officers, etc.

SECTION 60. All salaries of city officers or heads of departments shall, except as is herein otherwise provided, be established by ordinance by the board of aldermen, but no ordinance changing any such salary shall take effect until the municipal year succeeding that in which the ordinance is passed.

Certain author-  
ity, etc., not  
affected.

SECTION 61. Nothing contained herein shall be construed to affect the authority, powers, privileges, rights and obligations created and given by any special act of the general court and now vested in and exercised by the city of Chicopee, unless specially mentioned in this act.

Repeal.

Provisos.

SECTION 62. All acts and parts of acts inconsistent with this act are hereby repealed: *provided*, however, that the repeal of the said acts shall not affect any act done or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed and no penalty or forfeiture incurred under the acts hereby repealed, and before the time when

such repeal shall take effect, shall be affected by the repeal; and that no suit or prosecution pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under the acts hereby repealed, shall be affected by such repeal; and *provided, also*, that all persons who at the time when the said repeal shall take effect shall hold office under the said acts, shall continue to hold the same according to the tenure thereof, and *provided, also*, that all the by-laws and ordinances of the city of Chicopee which shall be in force at the time when the said repeal shall take effect, and which are not inconsistent with the provisions of this act, shall continue in force until the same are repealed by the board of aldermen, and all officers elected under such by-laws and ordinances shall continue in office according to the tenure thereof.

Provisos.

SECTION 63. No act which has been heretofore repealed shall be revived by the repeal of the acts mentioned in the preceding section.

Certain acts not revived.

SECTION 64. This act shall be submitted to the qualified voters of the city of Chicopee for acceptance at a special election to be held within sixty days from its passage. The vote shall be taken by ballot in answer to the following question: "Shall an act passed by the general court in the year eighteen hundred and ninety-seven, entitled 'An Act to revise the charter of the city of Chicopee', be accepted?"

Submission of question of acceptance.

YES.	
NO.	

In case this act is not accepted by the voters of said city at its first submission under this section it shall be submitted a second time to said voters at the annual state election in the year eighteen hundred and ninety-seven, and the vote shall be taken by ballot in answer to the question above-stated.

May be submitted a second time at state election in 1897.

SECTION 65. So much of this act as authorizes and directs the submission of the question of its acceptance to the qualified voters of said city shall take effect upon its passage; so much hereof as relates to elections hereunder shall apply to the annual municipal election to be held on the second Tuesday of December in the year eighteen hundred and ninety-seven if the larger number of votes upon the question of its acceptance is in the affirmative; and if so accepted this act shall take full effect on the first Monday in January next ensuing.

When to take effect.

Approved April 6, 1897.

**Chap. 240** AN ACT APPROVING THE PURCHASE OF A PART OF PEDDOCK'S ISLAND IN BOSTON HARBOR BY THE UNITED STATES AND CEDING JURISDICTION OVER THE SAME TO THE NATIONAL GOVERNMENT.

*Be it enacted, etc., as follows :*

Part of Peddock's Island may be purchased for national defence purposes.

Jurisdiction granted to United States.

Proviso.

United States may occupy certain flats, etc.

To be void unless certain conditions are complied with.

SECTION 1. The consent of the Commonwealth of Massachusetts is hereby granted to the United States of America to purchase a portion of the northerly end of Peddock's Island in Boston harbor, the same to be used for the purpose of national defence.

SECTION 2. Jurisdiction over the area so purchased is hereby granted and ceded to the United States : *provided*, (and the cession and consent aforesaid are granted upon the express condition), that the Commonwealth shall retain a concurrent jurisdiction with the United States in and over the part of the island so purchased, so far as that all civil processes and such criminal processes as may issue under the authority of the Commonwealth against any person or persons charged with the crimes committed without the said tracts of land may be executed therein in the same way and manner as though this consent and cession had not been made and granted.

SECTION 3. The United States government is hereby authorized to occupy and fill such flats belonging to the Commonwealth, and to place such structures in or over the tide water adjacent to the area herein authorized to be purchased as may be necessary for the purposes for which the premises over which jurisdiction is ceded in section one are to be used, upon such terms and conditions as shall be prescribed by the harbor and land commissioners.

SECTION 4. This act shall be void unless a suitable plan or plans of the premises purchased by the United States under the provisions of this act be deposited in the office of the secretary of the Commonwealth within one year from the passage of this act.

SECTION 5. This act shall take effect upon its passage.

*Approved April 6, 1897.*

**Chap. 241** AN ACT RELATIVE TO THE PERSONAL LIABILITY OF MEMBERS OF PARISHES.

*Be it enacted, etc., as follows :*

1887, 419, § 1, amended.

SECTION 1. Section one of chapter four hundred and nineteen of the acts of the year eighteen hundred and



eighty-seven is hereby amended by adding at the end thereof the words:—and no member of any territorial or other parish shall be personally liable for any debt or obligation of said parish hereafter incurred,—so as to read as follows:—*Section 1.* Religious societies shall not assess taxes on the polls or estates of their members: *provided*, that pews may be assessed as heretofore; and no member of any territorial or other parish shall be personally liable for any debt or obligation of said parish hereafter incurred.

Not to assess taxes on polls or estates.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved April 6, 1897.*

AN ACT TO ENLARGE AND IMPROVE THE WATER SUPPLY OF THE TOWN OF HUDSON.

Chap. 242

*Be it enacted, etc., as follows:*

SECTION 1. The town of Hudson may enlarge and improve its system of water supply, established under the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and eighty-three, for the purposes therein named, and to effect said enlargement and improvement may take and hold in fee, by purchase or otherwise, land at the south of and adjoining Gates pond in the town of Berlin, and may erect a dam to retain the waters of said pond, and the waters that may flow into the same, and the enlarged area thereof, together with any water rights connected therewith; and may also take lands and buildings outside of the location of its present system of water supply, rights of adjoining land owners to have their cattle come to said Gates pond to drink, rights of said adjoining land owners to enter on said Gates pond to cut and carry away ice for domestic use, and all such other rights and privileges not already owned by said town of Hudson, the enjoyment and exercise of which would pollute the purity of said water supply, as said town of Hudson, with the recommendation and approval of the state board of health, may determine to be requisite for the purpose of holding and preserving the purity of said water supply.

May take certain lands, water rights, etc.

SECTION 2. In case said town fails to secure the lands, water and water rights connected therewith, specified in the preceding section, by purchase, and the same are taken by right of eminent domain, then the provisions of sections three and four of chapter one hundred and

1883, 149, §§ 3 and 4, to apply under certain conditions.

forty-nine of the acts of the year eighteen hundred and eighty-three shall apply to and govern the taking thereof and the payment of the damages occasioned thereby.

Hudson Water  
Loan.

SECTION 3. The town of Hudson is hereby authorized to issue notes, bonds or scrip, to be denominated on the face thereof, Hudson Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the establishment of a system of water supply; said notes, bonds or scrip to be issued upon the same terms and conditions and with the same powers as are provided in said chapter one hundred and forty-nine of the acts of the year eighteen hundred and eighty-three for the issue of the Hudson water loan by said town: *provided*, that the whole amount of such notes, bonds or scrip issued by said town for the same purpose shall not exceed the amount of one hundred and seventy-five thousand dollars.

Proviso.

May provide for  
annual pay-  
ments on loan.

SECTION 4. The said town, instead of establishing a sinking fund as required by said act, is authorized at the time of contracting the loan authorized by this act to provide by vote for the payment thereof in such annual proportionate payments as will extinguish the same within thirty years from the date of contracting said loan; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes: *provided, however*, that the income from said water supply shall be applied annually in payment of maturing loans, and that the deficiency only shall be raised by assessment as aforesaid.

Proviso.

SECTION 5. This act shall take effect upon its passage.

*Approved April 6, 1897.*

**Chap. 243** AN ACT TO LIMIT THE COST OF ILLUSTRATIONS IN REPORTS MADE TO THE GOVERNOR OR TO THE GENERAL COURT.

*Be it enacted, etc., as follows:*

Illustrations in  
printed reports.

The secretary of the Commonwealth and the auditor of accounts shall not approve the insertion of illustrations in any of the printed reports referred to in chapter two hundred and fifty-eight of the acts of the year eight-

een hundred and ninety-six, when the cost of the illustrations for such report will exceed the sum of five hundred dollars, unless special authority shall first have been given by the general court for illustrating such report at a greater cost.

*Approved April 6, 1897.*

AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO FURNISH RELIEF TO REBECCA C. BOOMER.

*Chap. 244*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Brockton is hereby authorized to furnish relief to Rebecca C. Boomer, widow of Benjamin Loring Boomer who served in the United States army during the Mexican war, in the same manner and to the same extent that said city would be authorized to furnish relief to said widow under the provisions of chapter four hundred and forty-seven of the acts of the year eighteen hundred and ninety and acts in amendment thereof, if her late husband had served in the United States army in the war of the rebellion and been honorably discharged therefrom.

Widow of Benjamin Loring Boomer.

SECTION 2. This act shall take effect upon its passage.

*Approved April 6, 1897.*

AN ACT RELATIVE TO THE FURNISHING OF LAW BOOKS AND BLANK BOOKS FOR DISTRICT AND POLICE COURTS.

*Chap. 245*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter three hundred and ninety-six of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out in the eleventh line, the words "all books", and inserting in place thereof the words:—all law books relating to the laws of the Commonwealth, including the reports of the supreme judicial court, the Massachusetts digests, all blank books,—so as to read as follows:—*Section 1.* The several counties, by their commissioners, shall provide suitable places for holding the several district and police courts of the Commonwealth in the cities and towns where by law they are required to be held, and to that end said commissioners shall have authority to erect or hire suitable buildings or rooms and to furnish the same, and to provide for the heating and care thereof, and to do all other things incidental thereto, the expense

1893, 396, § 1, amended.

To provide places for holding district and police courts, etc.

Purchase of  
law books,  
stationery, etc.

thereof to be paid from the county treasury. The justices and clerks of said courts may obtain, by purchase or otherwise, all law books relating to the laws of the Commonwealth, including the reports of the supreme judicial court, the Massachusetts digests, all blank books, blanks, stationery and other incidentals required by said courts, the expenses of which shall be certified by the justices thereof monthly and transmitted to the said commissioners, who shall audit the same and order payment thereof to the parties entitled thereto, like other demands against the county.

SECTION 2. This act shall take effect upon its passage.

*Approved April 7, 1897.*

**Chap. 246** AN ACT TO AUTHORIZE THE WHITMAN MILLS TO INCREASE ITS CAPITAL STOCK.

*Be it enacted, etc., as follows:*

May increase  
capital stock.

SECTION 1. The Whitman Mills may increase its capital stock in the manner provided by law for the increase of capital stock of manufacturing corporations, at such times and in such amounts as it may from time to time determine: *provided*, that the whole amount of its capital stock shall not exceed two million dollars.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved April 7, 1897.*

**Chap. 247** AN ACT RELATIVE TO COMPOSITION IN INSOLVENCY WITH THE CREDITORS OF MASSACHUSETTS CORPORATIONS.

*Be it enacted, etc., as follows:*

1884, 236, etc.,  
to apply.

SECTION 1. The provisions of chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four, relative to composition with creditors in insolvency, and all acts in amendment thereof and in addition thereto, shall apply to all corporations organized under the laws of this Commonwealth and having a capital stock divided into shares.

Certain liabilities not  
affected, bill  
in equity may  
be filed, etc.

SECTION 2. Nothing contained in this act shall be construed to release any officer or stockholder of a corporation from any liability arising under the provisions of sections sixty and sixty-one of chapter one hundred and six of the Public Statutes, but in the event of any such corporation applying for a discharge from its debts

by virtue of this act any creditor may, at any time after the filing of the offer in composition, file a bill in equity in behalf of himself and other creditors of the corporation, against it and all persons who were stockholders therein at the time of the filing of the petition in insolvency by or against the corporation, or against all the officers liable for its debts and contracts, for the recovery of the sums due from the corporation to himself and the other creditors for which the stockholders or officers may be personally liable, by reason of any act or omission on its part or on that of its officers or any of them, setting forth the nature of his claim and the grounds upon which it is expected to charge the stockholders or officers personally. In such a bill it shall not be necessary to allege or prove any judgment against the corporation or the return of an execution unsatisfied. If the ground upon which it is expected to charge the officers of the corporation is an excess of debts above the capital stock, the extent of such excess shall be taken to be that existing at the time of the filing of the petition in insolvency by or against said corporation.

Certain liabilities not affected, bill in equity may be filed, etc.

SECTION 3. If at the time of the filing of the offer in composition by any corporation under this act a suit is pending against such corporation, on behalf of any creditor who would be entitled to enforce a liability against the officers or stockholders of the corporation under the provisions of chapter one hundred and six of the Public Statutes, the plaintiff in such suit may change his action into a bill in equity, making parties to the said bill the stockholders and officers who were such at the time of the filing of the petition in insolvency by or against the corporation, and may proceed thereafter in like manner as provided in section two of this act. If the ground upon which it is expected to charge the officers of the corporation is an excess of debts above the capital stock, the extent of such excess shall be taken to be that existing at the time of the beginning of said suit.

Action may be changed into a bill in equity in certain cases.

SECTION 4. A corporation making an offer of composition under this act shall file, at the time of filing the schedules of assets and liabilities, a schedule of all its officers and stockholders who were such at the time of the filing of the petition in insolvency by or against the said corporation, together with the holdings of stock at such time.

Schedule of officers and stockholders to be filed, etc.

Sued in equity.

**SECTION 5.** After the filing of the bill in equity, as provided in sections two and three of this act, such suit in equity shall proceed in the manner and subject to the provisions of sections sixty-five to sixty-nine inclusive, of chapter one hundred and six of the Public Statutes.

Repeal.

**SECTION 6.** Section fifteen of chapter two hundred and thirty-six of the acts of the year eighteen hundred and eighty-four is hereby repealed.

*Approved April 7, 1897.*

**Chap. 248**

**AN ACT TO AUTHORIZE SUBORDINATE LODGES OF THE KNIGHTS OF PYTHIAS UNDER THE JURISDICTION OF THE GRAND LODGE OF MASSACHUSETTS TO HOLD AND TRANSMIT REAL AND PERSONAL ESTATE AS VOLUNTARY ASSOCIATIONS.**

*Be it enacted, etc., as follows:*

May hold and convey real and personal estate, etc.

**SECTION 1.** Any subordinate lodge of the Knights of Pythias, duly chartered by and under the jurisdiction of the Grand Lodge of Massachusetts, may take, hold and convey real and personal estate in the name of such subordinate lodge as a voluntary association, under such rules and regulations as may be framed and prescribed therefor by said grand lodge.

**SECTION 2.** This act shall take effect upon its passage.

*Approved April 8, 1897.*

**Chap. 249**

**AN ACT TO ESTABLISH A BOARD OF SURVEY FOR THE TOWN OF ARLINGTON.**

*Be it enacted, etc., as follows:*

Board of survey.

**SECTION 1.** The selectmen of the town of Arlington shall constitute a Board of Survey for said town.

Laying out, etc., of streets, etc.

**SECTION 2.** Any person or corporation contemplating laying out or locating and constructing any street or way in said town after the passage of this act shall before beginning such construction submit to said board of survey suitable plans, to be prepared in accordance with such rules and regulations as said board may prescribe. Upon the receipt of such plans, together with a petition for their approval, said board shall give a public hearing thereon, after advertising such hearing once a week for two successive weeks in a newspaper published in said town, the last advertisement to be at least two days before such hearing, and after such hearing said board

may alter such plans and determine where such street or way shall be located, and the widths and grades thereof, and shall so designate on said plans. Said plans shall then be approved and signed by said board and filed in the office of the clerk of said town, who shall attest thereon the date of such filing.

Plans to be approved and filed, etc.

SECTION 3. The board of survey shall from time to time cause to be made under its direction plans of such territory or sections of land in said town as said board may deem necessary, showing thereon the location of such streets or ways, whether already laid out or not, as said board shall be of opinion the present or future interests of the public will require in such territory, showing clearly the directions, widths and grades of each street or way, and may employ such assistants and incur such expenses as it may deem necessary therefor, not exceeding the amount of money appropriated by the town for said purpose. Said board, before making any such plan, shall give a public hearing as to the locations, directions, widths and grades of streets or ways in the territory to be shown on the plan, after advertising such hearing once a week for two successive weeks in a newspaper published in said town, the last advertisement to be at least two days before such hearing, and shall, after making any such plan, give a like notice of hearing thereon, and keep the plan open to public inspection for one month after the first advertisement of such hearing. Such plan thereafter, and after the alterations deemed necessary by said board have been made thereon, shall be marked as made under the provisions of this act, shall be signed by said board, and after being so signed shall be filed in the office of the clerk of said town, who shall attest thereon the date of such filing.

Board of survey to cause plans to be made, etc.

To give a public hearing, etc.

Plans to be signed and filed.

SECTION 4. The powers of the board of selectmen of said town in regard to highways shall not be abridged by this act in any manner, except as provided in this section, and the powers given them in this act shall be in addition to the powers now exercised by them. After the passage of this act no street or way in the town of Arlington, shown on any plan filed as aforesaid, shall be laid out, located anew, altered or widened, and no such street or way, whether already or hereafter laid out, shall be constructed by any public authority, except in accordance with the provisions of this act. If any per-

Certain powers of selectmen not abridged, etc.

Town not to place sewer, water pipes, etc., in certain ways, etc.

Proviso.

Town not to pay damages in certain cases.

Appropriations, expenditures.

When to take effect.

son or corporation shall hereafter open for public travel any private way the location, direction, widths and grades of which have not previously been approved in writing by said board of survey, in the manner provided in this act, then neither the town nor any other public authority shall place any public sewer, drain, water pipe or lamp in, or do any public work of any kind on, such private way so opened to public travel contrary to the provisions of this act: *provided, however*, that this provision shall not prevent the laying of a trunk sewer, water or gas main, as engineering demands may require.

SECTION 5. If any building shall hereafter be placed or erected in said town upon land within the boundaries of any street or way shown on any of the plans filed with the town clerk as herein provided, or on land adjacent to any such street or way, the grade of which at the time of placing or erecting such building is other than the grade shown on said plans, or on land adjacent to any street or way, the plan and profile of which has not been approved by said board of survey, no damages caused to any building so placed or erected by the construction of said street or way, as shown on said plans, or caused to any building so placed or erected, or to the land upon which said building is placed or erected, by the subsequent change of grade of any street or way the plan of which has not been approved by said board of survey, shall be recovered by or paid to the owner of the whole or any part of the estate of which the land upon which said building so placed or erected formed a part, from or by said town.

SECTION 6. The said town may from time to time appropriate sums of money to be expended by said board of survey for carrying out the provisions of this act. No expenditures shall be made in excess of such appropriations.

SECTION 7. This act shall take effect upon its acceptance by a majority vote of the voters of said town present and voting thereon at a town meeting called for the purpose, or at any annual meeting of said town.

*Approved April 8, 1897.*



AN ACT TO INCORPORATE THE BILLINGS HILL CEMETERY ASSOCIATION. *Chap. 250*

*Be it enacted, etc., as follows:*

SECTION 1. David Lathrop, Frederick W. Lathrop, William A. Sawn, Mervin H. Pease and Edgar K. Sellew, their associates and successors, are hereby made a corporation by the name of the Billings Hill Cemetery Association, for the purpose of acquiring, holding, managing and perpetuating a place for the burial of the dead in the town of East Longmeadow, with all the powers and privileges and subject to all the duties, restrictions and liabilities contained in the general laws which now are or hereafter may be in force relating to similar corporations.

Billings Hill Cemetery Association incorporated.

SECTION 2. Said corporation may purchase, acquire, receive and hold so much of the real estate in said town of East Longmeadow now held by the said town as is now included within the limits of the old cemetery, which is commonly called the Billings Hill Cemetery, and also so much of the real estate now held by the First Baptist Society of East Longmeadow as is now included within the limits of said cemetery, and may also hold additional real and personal estate to an amount in value not exceeding five thousand dollars, to be applied to objects connected with and appropriate to the purpose of said organization, in addition to any amount which may be held by it under the provisions of section seven of this act.

May hold certain real and personal estate, etc.

SECTION 3. Said town of East Longmeadow is hereby authorized, whenever said Billings Hill Cemetery Association shall be duly organized, to release and convey to said corporation, for such consideration and upon such terms as may be agreed upon, so much of the real estate now held by the town as is within the said cemetery, provided such release and conveyance be authorized by a vote of the town at a meeting duly called for the purpose.

Town of East Longmeadow may convey certain real estate to corporation.

SECTION 4. The First Baptist Society of East Longmeadow is hereby authorized, whenever said Billings Hill Cemetery Association shall be duly organized, to release and convey to said corporation, for such consideration and upon such terms as may be agreed upon, by a deed executed by the treasurer of said society in its be-

The First Baptist Society may convey certain land to corporation.

- half, so much of the land owned by said society as lies within the limits of said cemetery: *provided*, that a majority of the qualified voters of said First Baptist Society of East Longmeadow present and voting shall vote so to do at a meeting duly warned and called for that purpose.
- Proviso.**
- Membership.** SECTION 5. All persons who shall become proprietors of lots in any lands acquired by said corporation shall be and become members of said corporation, and whenever any person shall cease to be a proprietor of a lot in the lands of said corporation he shall cease to be a member thereof.
- Net proceeds to be applied to improvements, etc.** SECTION 6. All the net proceeds of the sales of lots in the lands held by said corporation shall be forever devoted and applied to the preservation, improvement and embellishment, protection and enlargement of said cemetery, and to the payment of the incidental expenses thereof, and to no other purpose.
- Grants, bequests, etc.** SECTION 7. Said corporation is hereby authorized to take and hold any grant, donation or bequest of property, upon trust, to apply the same or the income thereof for the improvement, embellishment or enlargement of said cemetery, or for the erection, repair, preservation or removal of any monument, fence or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner or form consistent with the purposes for which said corporation is established, according to the terms of such grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit of money, shall be made by the proprietor of any lot in said cemetery for the annual repair, preservation or embellishment of such lot and the erections thereon, the said corporation may give to such proprietor or his representative an agreement or obligation, in such form and upon such conditions as it may establish, binding such corporation and its successors to preserve and keep in repair said lot forever, or for such period as may be agreed upon.
- Officers, sale of lots, etc.** SECTION 8. Said corporation may by its by-laws provide for such officers as may be necessary, and may also provide for the care and management of the cemetery and for the sale and conveyance of lots therein, and for the care and management of any funds which it may

hold for the benefit and care of said cemetery, and for any other matters incident to the proper management of the corporation.

SECTION 9. This act shall take effect upon its passage.

*Approved April 9, 1897.*

AN ACT TO AUTHORIZE THE TRUSTEES OF THE MEDFIELD INSANE ASYLUM TO ACQUIRE AN ADDITIONAL WATER SUPPLY FOR SAID ASYLUM.

*Chap. 251*

*Be it enacted, etc., as follows:*

SECTION 1. The trustees of the Medfield insane asylum, for the purpose of supplying said asylum with pure water for domestic and other purposes, may take, hold and convey to said asylum the waters of Farm pond and the tributaries thereof in the town of Sherborn, with any water rights connected therewith, and may also take and hold, by purchase or otherwise, any land, rights of way, easements and real estate, necessary for laying, constructing and maintaining pipes, aqueducts, dams and such other works as may be deemed necessary for collecting, purifying, storing, retaining, discharging, conducting and distributing said waters, or for preserving the purity of said waters.

May take certain land, water rights, etc.

SECTION 2. Said trustees shall within sixty days after taking, for the purposes of this act, any lands, rights of way, water rights, water sources or easements aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district within which the same are situated, a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken.

Description of lands, etc., to be recorded.

SECTION 3. Said trustees, for the purposes aforesaid, may construct aqueducts and maintain the same, and may maintain dams and any other works. Said trustees may also, for the purposes aforesaid, carry any pipe, drain or aqueduct over or under any river, water course, street, railroad, public way, highway or other way, in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up such road, street or way, for the purpose of laying, maintaining and repairing any pipe, drain or aqueduct; and may do any other thing necessary and proper in executing the purposes of this act, subject to such reasonable regulations as may be prescribed by

May construct aqueducts, dig up streets, etc.

the selectmen of the town in which the road, street or way is located.

Damages.

SECTION 4. The Commonwealth shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way, water, water source or easement, or by any other thing done by said trustees under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said trustees as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the purpose of laying out highways, on application at any time within the period of two years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said two years, except an application for assessment of damages for the taking of any water, water right, or for any injury thereto, which application shall be made at any time within two years after the water is actually withdrawn or diverted to said asylum under the authority of this act.

Penalty for diverting or corrupting water, etc.

SECTION 5. Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held or used under the authority and for the purposes of this act, shall forfeit and pay to the Commonwealth three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of any of the wanton or malicious acts aforesaid may also be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year in the house of correction.

Certain rights of town of Sherborn not affected.

Proviso.

SECTION 6. Nothing in this act shall be construed as debarring the town of Sherborn from acquiring at any time, when authorized so to do, a water supply from Farm pond or its tributaries: *provided, however,* that said town, when so authorized, shall not in any manner interfere with the pipes, dams, aqueducts or other works established by this act.

SECTION 7. This act shall take effect upon its passage.

*Approved April 9, 1897.*

AN ACT TO AUTHORIZE THE TOWN OF LEXINGTON TO REFUND A  
SUM OF MONEY TO ELIPHALET S. WETHERBEE. *Chap.252*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Lexington may refund to Eliphalet S. Wetherbee such sum of money on account of taxes overpaid by said Wetherbee to said town as the voters of said town shall by a vote at a legal town meeting determine.

May refund a sum of money to Eliphalet S. Wetherbee.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1897.*

AN ACT RELATIVE TO THE COMPENSATION OF JANITORS OF ARMORIES. *Chap.253*

*Be it enacted, etc., as follows:*

SECTION 1. There shall annually be paid out of the treasury of the Commonwealth to each company of the Massachusetts volunteer militia the sum of one hundred and twenty-five dollars for the services of the janitor of the armory of such company: *provided, however,* that such sum shall not be paid to a company occupying an armory for the care of which the Commonwealth already pays the janitor.

Janitors of armories, compensation.

Proviso.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1897.*

AN ACT TO PROVIDE FOR THE FURTHER PROTECTION OF TREES  
AND FOR THE PREVENTION OF FIRES IN WOODLANDS. *Chap.254*

*Be it enacted, etc., as follows:*

SECTION 1. Any town at a meeting duly warned for the purpose may accept the provisions of this act, and until such acceptance is revoked in a similar manner shall thereupon be entitled to the privileges and subject to the requirements of this act.

Towns may accept provisions of this act, etc.

SECTION 2. The selectmen of such town shall annually appoint a forester for such term, not exceeding one year, as they may determine, and may at any time in their discretion remove him from said office, and shall fill any vacancy in the same. Said forester shall have charge of all trees within the limits of a highway, public way or square in such town, and shall exercise all the powers and be subject to all the restrictions granted to and imposed

Forester to be appointed, etc.

upon tree wardens by chapter one hundred and ninety of the acts of the year eighteen hundred and ninety-six.

To enforce certain provisions of law.

SECTION 3. It shall be the duty of such forester to enforce all provisions of law relating to the setting out, cultivation and preservation of shade, ornamental or forest trees, including all provisions contained in chapter one hundred and sixty-three of the acts of the year eighteen hundred and eighty-two, chapters one hundred and twenty-three and one hundred and fifty-seven of the acts of the year eighteen hundred and eighty-five, chapter one hundred and ninety-six of the acts of the year eighteen hundred and ninety, chapter four hundred and three of the acts of the year eighteen hundred and ninety-three, and in all acts in addition thereto and in amendment thereof.

To be chief forest fireward, etc.

SECTION 4. The forester in any town shall be the chief forest fireward in such town, and shall appoint such deputy forest firewards as he shall deem expedient. He shall choose from among them an assistant chief, who shall take the place and perform the duties of the forester at any forest fire when said forester is absent, and he may at any time discharge any of such deputies and appoint others in their place. Such forester shall have sole control of the management of any forest fires which may occur within the limits of such town, and shall have and exercise personally, or by his deputies, all the powers and duties granted to or imposed upon forest firewards by sections two and three of chapter two hundred and ninety-six of the acts of the year eighteen hundred and eighty-six and acts in amendment thereof and in addition thereto.

May call upon certain persons to assist in suppressing fires, etc.

SECTION 5. The forester and deputy forest firewards in any town may at any time when, in their judgment, there is danger from a forest fire, call upon any male person in such town between the ages of eighteen and fifty to assist in suppressing or preventing such fire, and may require the use of such wagons, horses and other articles of property adapted to that purpose as they may deem expedient. Each deputy shall keep a correct account of the time of all persons working and a schedule of all property used under his direction at any forest fire.

Penalty for refusing to assist, etc.

SECTION 6. Any person wilfully refusing or neglecting, without good and sufficient cause, to furnish assistance when called upon under the provisions of the preceding section, or to allow the use of wagons, horses or other articles of property when required as aforesaid, shall be

punished by a fine of not less than five dollars or more than one hundred dollars for each offence, one half of such fine to be paid to the complainant and one half to the town, and may, in addition to such fine, be imprisoned in the jail or in the house of correction for a period not exceeding sixty days.

SECTION 7. It shall be the duty of said forester and of his deputies to take precautions to prevent the improper setting or progress of fires, and, when a fire is observed in his town, immediately to summon such assistance as they may deem necessary, to proceed at once to the scene of the fire, and, if possible, to extinguish it. They shall cause to be posted at suitable places warnings against the setting of fires, and a statement of the law relating thereto, such notices to be printed in large letters, upon cloth, and to be furnished by the selectmen at the expense of the town. Whoever wantonly tears down or defaces any notice posted under this act shall be fined ten dollars.

Precautions to be taken to prevent setting or progress of fires, etc.

SECTION 8. Payment shall be made to town foresters and to their deputies, and to persons working under his or their direction at a forest fire, and for property used under the provisions of section five of this act, at such rates as the town may prescribe, or, in the absence of action by the town, as the selectmen may determine. No payment shall be made under this section until the person claiming compensation shall have rendered an itemized account, approved by the forester or by the deputy under whose direction the work was done or the assistance furnished; such account to be left on file with the officer making the payment.

Compensation of foresters, etc.

SECTION 9. Whoever builds a fire on any lands not owned or controlled by him shall, before leaving the same, totally extinguish such fire, and upon failure to do so shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred dollars, one half of such fine to be paid to the complainant and one half to the town, or by imprisonment in the county jail not exceeding one month, or by both such fine and imprisonment. Whoever wilfully or negligently sets a fire on any land not owned or controlled by him, whereby property is injured or endangered, or who wilfully or negligently suffers any fire upon his own land to escape beyond the limits thereof, to the injury of another, shall

Penalty for setting certain fires, etc.

be punished by a fine not exceeding one hundred dollars, one half of such fine to be paid to the complainant and one half to the town, or by imprisonment in the county jail not exceeding one month, or by both such fine and imprisonment, and in addition thereto shall be liable to the person injured for all damages that may be caused by such fire.

Fires not to be set in the open air between certain dates without permission.

Penalty.

Public notice to be given, etc.

Certain provisions of law to continue in force.

Appropriations, expenditures.

May take certain woodland, etc.

**SECTION 10.** Between the first day of April and the first day of October in each year no fire shall be set in the open air on any land in any town which accepts the provisions of this act, except upon the written permission of the forester or of one of his deputies. Whoever violates the provisions of this section shall be punished by a fine not exceeding one hundred dollars, one half of such fine to be paid to the use of the complainant and one half to the town, or by imprisonment in the county jail not exceeding one month, or by both such fine and imprisonment. It shall be the duty of the forester to cause public notice to be given of the provisions of this section, and he shall see that the same are enforced; and for any wilful failure so to do he shall be himself liable to the penalties provided in this section. All provisions of law now existing relating to the illegal burning of property and to the penalties therefor shall continue in force.

**SECTION 11.** Any town accepting the provisions of this act may raise and appropriate for the prevention of forest fires or the spread thereof, such sum as it may deem expedient, not exceeding in any year one tenth of one per cent. of the assessed valuation of such town; such sum, in addition to all fines received under the provisions of this act, to be expended by the forester, under the supervision of the selectmen, in trimming out brush from existing wood roads, or in preparing and preserving suitable lines for back-firing, or in such other ways as may seem best adapted for preventing or checking the spread of fires.

**SECTION 12.** Any town which accepts the provisions of this act may expend any portion of the sums raised or received under the provisions of the preceding section, in taking, in the name of the town, such portions of woodland as the selectmen, upon the recommendation of the forester, may deem expedient. Such taking, and the payment of damages for any taking or injuring of property other than by fire or back-firing, shall be governed by the provisions of law relating to the taking of land for highways.

*Approved April 9, 1897.*



AN ACT TO AUTHORIZE THE TOWN OF METHUEN TO MAKE AN ADDITIONAL WATER LOAN. *Chap.255*

*Be it enacted, etc., as follows :*

SECTION 1. The town of Methuen, for the purpose of extending and completing its system of water works, may issue notes or bonds from time to time as it may deem necessary, to an amount not exceeding twenty-five thousand dollars in addition to the indebtedness already authorized for water purposes. Said notes or bonds shall bear on their face the words, Methuen Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall be issued upon the conditions and in the manner set forth in chapter three hundred and ten of the acts of the year eighteen hundred and ninety two. Methuen Water Loan.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1897.*

AN ACT TO AUTHORIZE THE EMPLOYMENT OF A MESSENGER IN THE TREASURY DEPARTMENT. *Chap.256*

*Be it enacted, etc., as follows :*

SECTION 1. The treasurer and receiver general may employ in his department a messenger, who shall receive a salary not exceeding nine hundred dollars a year. Messenger in treasury department.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1897.*

AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE TREASURER OF THE COUNTY OF PLYMOUTH. *Chap.257*

*Be it enacted, etc., as follows :*

SECTION 1. The treasurer of the county of Plymouth shall be allowed for clerical assistance a sum not exceeding three hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven, and to be paid out of the treasury of the county to persons who actually perform the work, upon the certificate of said treasurer, countersigned by the county commissioners, that the work has been actually performed by such person. Clerical assistance.

SECTION 2. This act shall take effect upon its passage.

*Approved April 9, 1897.*

**Chap. 258** AN ACT TO AUTHORIZE THE TOWN OF GARDNER TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

*Be it enacted, etc., as follows :*

May incur indebtedness beyond debt limit.

SECTION 1. The town of Gardner, for the purpose of purchasing or acquiring land for the location of a new high schoolhouse and for the purpose of erecting and furnishing such high schoolhouse and grading the grounds around the same, may incur indebtedness to an amount not exceeding fifty-five thousand dollars.

May issue notes, etc.

SECTION 2. The said town of Gardner is hereby authorized to issue, for the indebtedness incurred under this act, the negotiable notes of the town, payable in such annual payments as the selectmen and town treasurer may determine, and which shall extinguish said indebtedness in thirty years from the passage of this act.

Not to be considered in determining debt limit.

SECTION 3. The indebtedness incurred under this act shall not be considered or reckoned in determining the authorized limit of indebtedness of the town of Gardner under the provisions of section four of chapter twenty-nine of the Public Statutes and acts in amendment thereof

Certain provisions of law to apply.

SECTION 4. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall apply to the issue of said notes.

*Approved April 9, 1897.*

**Chap. 259** AN ACT TO INCORPORATE THE GREENDALE VILLAGE IMPROVEMENT SOCIETY.

*Be it enacted, etc., as follows :*

Greendale Village Improvement Society incorporated.

SECTION 1. Harry G. Krum, Oakley S. Walker, Arthur G. Warren, Fred S. Clark, Roland Libby, Albert E. Mixer, Edwin F. Moody, Frank H. Lincoln, Harry W. Humes, Luta Belle Lincoln, Annie A. Stevens, Susie T. Krum, Anna E. Forbush, Helen M. Dudley, Charles M. Edwards, Robert Taylor, Carrie W. Bath, Francis D. Leonard, Lewis J. Terrill, Emma L. Edwards, C. H. Ellsworth, Marion F. Dexter, Elbridge C. Gilmore, Thomas Severs, A. B. Stevens, Charlotte U. Tougas, Alice G. Bullard, Abby R. Jennison, Naomi S. Parkhurst, Alfred Ahlstrom, Frank H. Bullard, George S. Tillotson and John Bath, all of Worcester, in this Commonwealth,

and their associates and successors, are hereby made a corporation by the name of the Greendale Village Improvement Society, for the purpose of constructing, repairing and maintaining sidewalks and crossings in the public streets, planting and protecting shade trees by the roadsides, ornamenting and caring for public grounds and parks in the village of Greendale in the city of Worcester, under the direction and subject to the approval of the officers of said city of Worcester having charge of the streets and sidewalks thereof. Said corporation shall also have power to hold, maintain, improve and ornament any park, grove or other lands in said village of Greendale, of which said corporation may become possessed by purchase, gift or otherwise, and to preserve natural scenery, curiosities and places of historic interest in said village, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations and not inconsistent with this act.

Greendale  
Village Im-  
provement  
Society incor-  
porated.

SECTION 2. Said corporation shall consist of not less than thirty members, all of whom shall be residents of the city of Worcester.

Membership.

SECTION 3. The management and control of the property and affairs of said corporation, subject to its by-laws, shall be vested in a board of twelve trustees, who shall be elected, four each year, for the term of three years: *provided, however,* that at the first election four trustees shall be elected for one year, four for two years and four for three years. Said trustees shall elect annually from their number a president, a treasurer and a clerk, who shall serve until their successors are elected and qualified. The treasurer shall give such bonds as the trustees direct. In the case of a vacancy on the board of trustees from any cause such vacancy may be filled at any regular or special meeting of the corporation, or in case of vacancy in the offices of president, treasurer or clerk said vacancy may be filled at any regular meeting of the trustees, or at any special meeting, provided that notice has been duly given of the intention to proceed to the election of an officer or officers to fill such vacancies at such special meeting. In the choice of members of the corporation and of the board of trustees, or of the above-named officers, no distinction shall be made on account of sex.

Trustees, elec-  
tion, term, etc.

Proviso.

Vacancies.

By-laws.

SECTION 4. Said corporation may adopt such by-laws as it deems best for carrying out the purposes thereof, and said board of trustees may make such by-laws for their government as they may see fit: *provided, however*, that such by-laws shall contain nothing inconsistent with the provisions of law or of this act.

Proviso.

May obtain and hold certain lands, etc.

SECTION 5. Said corporation may obtain by purchase, gift or otherwise, lands in that part of the city of Worcester known as Greendale, not exceeding twenty-five acres in extent, and may hold, develop and administer the same for park and pleasure purposes, and may establish and maintain thereon suitable places for a reading room, a library, and for social meetings, and may erect on said land a building or buildings suitable for said purposes: *provided*, that the public shall have free access to said lands and parks, under reasonable regulations to be approved by the city council of said city, but shall not have the right of access to said buildings.

Proviso.

Grants, bequests, etc.

SECTION 6. Said corporation may receive and hold for the purposes aforesaid any grants, donations or bequests, under such conditions and rules as may be prescribed in such grants, donations and bequests, if not inconsistent with the provisions of law or of this act; and in the absence of conditions attached to any grants, donations or bequests all funds thus received shall be held in trust, the income only to be expended for the general purposes of the corporation as above-provided; and such grants, donations or bequests, whether in real estate or personal property, not exceeding ten thousand dollars in value, in addition to the land, not exceeding twenty-five acres in extent, held under the provisions of section five, shall be exempt from taxation so long as administered for the public purposes herein set forth.

Treasurer to file copy of report annually.

SECTION 7. The treasurer of the corporation shall in the month of January in each year file a copy of his report with the treasurer of said city of Worcester, showing the income of the corporation and the purposes for which all sums were expended during the preceding year.

SECTION 8. This act shall take effect upon its passage.

*Approved April 10, 1897.*

AN ACT TO ESTABLISH THE OFFICE OF ASSISTANT CLERK OF THE  
THIRD DISTRICT COURT OF EASTERN MIDDLESEX. *Chap.260*

*Be it enacted, etc., as follows :*

SECTION 1. The clerk of the third district court of eastern Middlesex may, with the written approval of the justice of said court, appoint an assistant clerk of said court, who may be removed at any time by the justice of said court, and who shall be subject to all the provisions of law applicable to assistant clerks of courts, and perform all duties prescribed therefor. Assistant clerk may be appointed.

SECTION 2. Said assistant clerk shall receive an annual salary of one thousand dollars, to be paid in the same manner as the salary of the clerk of said court is now paid. Compensation.

SECTION 3. Chapter three hundred and seventy of the acts of the year eighteen hundred and ninety-three is hereby repealed. Repeal.  
*Approved April 10, 1897.*

AN ACT RELATIVE TO THE DECORATION OF MEMORIAL HALL IN  
THE STATE HOUSE. *Chap.261*

*Be it enacted, etc., as follows :*

So much of chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine as requires the advertisement of proposals for the remainder of the work upon Memorial Hall in the state house is hereby repealed. The state house construction commissioners are authorized, if they deem it desirable, to offer premiums for designs for the treatment of the decorations of said hall. Decoration of Memorial Hall in state house.  
*Approved April 10, 1897.*

AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR  
SAVINGS TO INVEST IN THE BONDS OF THE BOSTON, REVERE  
BEACH AND LYNN RAILROAD COMPANY. *Chap.262*

*Be it enacted, etc., as follows :*

SECTION 1. When the first mortgage indebtedness to the amount of three hundred and fifty thousand dollars, now existing upon that portion of the railroad of the Boston, Revere Beach and Lynn Railroad Company lying between Boston and Lynn in this Commonwealth, and maturing on the fifteenth day of July in the year eighteen hundred and ninety-seven, shall have been discharged, savings banks and institutions for savings in this Com- Investments of deposits in savings banks, etc.

monwealth may invest their deposits and the income derived therefrom, in the bonds of said company issued according to law, notwithstanding the existence of the present mortgage indebtedness, not matured, upon that part of its railroad, franchise and property, formerly belonging to the Boston, Winthrop and Shore Railroad Company.

SECTION 2. This act shall take effect upon its passage.

*Approved April 10, 1897.*

**Chap. 263** AN ACT TO PROVIDE FOR CLERICAL ASSISTANCE IN THE THIRD DISTRICT COURT OF BRISTOL.

*Be it enacted, etc., as follows :*

Clerical assistance.

SECTION 1. The clerk of the third district court of Bristol shall be allowed for clerical assistance, upon his certificate that the work was actually performed and was necessary, with the time occupied and the name of the person by whom the work was performed, such sums, not exceeding five hundred dollars in any one year, as the county commissioners for the county of Bristol by a writing signed by them may approve. Said sums shall be paid monthly from the treasury of said county to the person employed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 10, 1897.*

**Chap. 264** AN ACT RELATIVE TO THE ABOLITION OF GRADE CROSSINGS OF RAILROADS AND PRIVATE WAYS.

*Be it enacted, etc., as follows :*

1890, 428, to apply to crossings of private ways, etc., at grade.

Proviso.

SECTION 1. The provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, entitled "An Act to promote the abolition of grade crossings", and of the several acts in amendment thereof and in addition thereto, shall apply to the crossings of private ways and railroads at grade: *provided, however,* that the entire cost, damage and expense of abolishing such crossings, except in cases where the private way is changed or discontinued in connection with the abolition of the grade crossing of a public way, shall be apportioned to and paid by the railroad corporation.

SECTION 2. This act shall take effect upon its passage.

*Approved April 10, 1897.*

AN ACT RELATIVE TO THE LICENSING OF GAS FITTERS AND TO THE SUPERVISION OF THE BUSINESS OF GAS FITTING IN THE CITY OF BOSTON.

*Chap. 265*

*Be it enacted, etc., as follows :*

SECTION 1. No person, firm or corporation shall engage in or work at the business of gas fitting in the city of Boston after the first day of October in the year eighteen hundred and ninety-seven, either as employer or as a journeyman, unless such person, firm or corporation has received a license therefor in accordance with the provisions of this act. The word "journeyman", as used in this act, shall be deemed to mean one who personally does any gas fitting or any work in connection therewith which would be subject to inspection under the provisions of this act.

Licensing of  
gas fitters,  
etc.

SECTION 2. Every person, firm or corporation desiring to engage in the business of gas fitting in the city of Boston shall make application therefor to the building commissioner, and shall, at such time and place as may be designated by the board of examiners hereinafter provided for, to whom such application shall be referred, be examined as to his qualifications for such business.

Certain persons,  
etc., to be ex-  
amined as to  
qualifications.

SECTION 3. The board of examiners shall consist of the building commissioner, the chairman of the board of health, who shall be ex officio members of said board and serve without compensation, and a third member, to be chosen by the board of health, who shall be a practical gas fitter of at least five years' continued practical experience during the years next preceding the date of appointment. Said third member shall be chosen within thirty days after the passage of this act, for a term ending on the first day of May in the year eighteen hundred and ninety-eight, and thereafter annually; and he shall be allowed a sum not exceeding five dollars for each day of actual service, to be paid from the treasury of the city of Boston.

Board of  
examiners.

SECTION 4. Said board of examiners shall, as soon as may be after the appointment of said third member, meet and organize by the selection of a chairman and clerk, and shall then designate the times and places for the examination of all applicants desiring to engage in or work at the business of gas fitting in the city of Boston. Said board shall examine said applicants as to their practical knowl-

Examination of  
applicants.

edge of gas fitting, shall submit the applicant to some satisfactory form of practical test, and, if satisfied of the competency of the applicant, shall so certify to the building commissioner, who shall thereupon issue a license to such applicant, authorizing him to engage in or work at the business of gas fitting, first requiring him to register in the office of the said building commissioner his name, place of business or residence, license number, date of examination, and in what capacity licensed. In case of a firm or corporation, the examination of one member of the firm, or of the manager of the corporation, shall satisfy the requirements of this act. The fee for the license of any employing gas fitter shall be two dollars, and for a journeyman, fifty cents; and said license shall continue in force until revoked or cancelled, but shall not be transferable.

Fees for  
licenses.

Inspectors of  
gas fitting,  
appointment,  
qualifications,  
etc.

SECTION 5. The building commissioner shall appoint, after the first day of October in the year eighteen hundred and ninety-seven, such a number of inspectors of gas fitting as the board of examiners may from time to time determine. Said inspectors shall be practical gas fitters of at least five years' continued practical experience, and shall, before appointment, be subject to an examination before the civil service commissioners. The compensation of said inspectors shall be determined by the building commissioner, subject to the approval of the mayor; and such inspectors shall hold office until removed by said commissioner, with the approval of the mayor, for malfeasance, incapacity or neglect of duty. Said inspectors shall inspect all new work relating to gas fitting in new and in old buildings, the connections and use of such work, and shall report all violations of this act or of any act or ordinance relating thereto, which now exists or may be hereafter enacted or ordained; and they shall also perform such other appropriate duties as may be required by the building commissioner.

To display  
license number.

SECTION 6. Every licensed gas fitter shall display his license number conspicuously at his place of business.

No piping, fit-  
ting or repairing  
to be done  
without permit,  
etc.

SECTION 7. On and after the first day of October in the year eighteen hundred and ninety-seven no building shall be piped or fitted for gas, nor shall any repairs be made in such piping or fittings, nor fixtures placed, unless a permit shall be granted therefor by the building commissioner. Every licensed gas fitter desiring to perform



any work relating to piping or fitting a building for gas, or to repair gas piping or fittings, or to place fixtures therein, shall file an application therefor at the office of the building commissioner, giving the correct location, name and address of the owner, the intended use and material of the building, and a full and complete statement of the work proposed and material to be used, and shall, if required by said building commissioner, furnish a plan thereof, which shall be subject to his approval. All materials used and work performed under the provisions of this section shall be subject to such regulations as shall be made by the board of health and the building commissioner.

Materials used, etc., to be subject to certain regulations.

SECTION 8. No gas pipe which may be introduced into any building shall be let into the timbers, beams or girders, unless the same is placed within thirty-six inches of the end of said timber, beam or girder, and in no building shall the said pipes be let into the timbers, beams or girders, more than two inches in depth. No person shall disconnect or remove any gas meter, except the duly authorized representative of the gas company owning such meter.

Placing of gas pipes in buildings restricted, etc.

SECTION 9. All gas brackets shall be placed at least three feet below any ceiling or woodwork, unless the same is properly protected by a shield, in which case the distance shall not be less than eighteen inches. Nothing in this act shall be construed to affect the operations of any gas company upon its own premises or upon its mains and service pipes.

Placing of gas brackets, etc.

SECTION 10. The board of health of said city by its inspectors shall from time to time, as it deems proper, inspect the gas fixtures and appliances in any building and shall make such requirements relating thereto as it deems the public health requires, and the owner of such building shall comply with such requirements.

Gas fixtures and appliances to be inspected, etc.

SECTION 11. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not exceeding one hundred dollars for each offence, and if such person has received a license under this act his license may be revoked by the building commissioner.

Penalty.

SECTION 12. The building commissioner shall include in his annual report to the city council a report of the proceedings of the building department under this act, and

Annual report.

shall include therein a report of the board of examiners appointed under this act, giving their proceedings during the year ending on the first day of February.

Repeal.

SECTION 13. All acts and parts of acts inconsistent herewith are hereby repealed.

When to take effect.

SECTION 14. This act shall take effect upon its passage, except so far as is hereinbefore otherwise provided.

*Approved April 10, 1897.*

**Chap. 266** AN ACT RELATIVE TO THE APPOINTMENT OF WOMEN AS ASSISTANT PROBATION OFFICERS IN THE MUNICIPAL COURT OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Assistant probation officers may be appointed.

SECTION 1. The chief justice of the municipal court of the city of Boston may appoint two women to act as assistants to the probation officer, under the jurisdiction of said court, and may, subject to the approval of the institutions commissioner of said city, determine their compensation, which shall be paid from the treasury of the county of Suffolk upon vouchers approved by said justice and said commissioner.

Duties.

SECTION 2. It shall be the duty of said assistant probation officers to investigate the cases of all women against whom a criminal charge is brought in said court, and to perform such other duties as may be required of them by the justices of said court.

Term of office, liability for neglect, etc.

SECTION 3. Said assistant probation officers shall hold office during the pleasure of said court, and shall be liable, for refusal or neglect to perform their duties, to the penalty specified in section eight of chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-one.

Repeal, etc.

SECTION 4. Chapter two hundred and seventy-six of the acts of the year eighteen hundred and ninety-two is hereby repealed, but the assistant probation officer now holding office under said act shall continue to serve as one of the two probation officers provided for by this act until removed in accordance with law.

SECTION 5. This act shall take effect upon its passage.

*Approved April 10, 1897.*

AN ACT TO INCORPORATE THE VETERAN FIREMEN'S ASSOCIATION OF SPRINGFIELD. *Chap.267*

*Be it enacted, etc., as follows :*

SECTION 1. The present members of the voluntary association known as the veteran firemen's association of Springfield, Massachusetts, their associates and successors, are hereby made a corporation by the name of the Veteran Firemen's Association of Springfield, for the purpose of promoting friendly intercourse among its members and of assisting members thereof when sick, disabled, or retired for other reasons from active service, and for the purpose of assisting the families of deceased members. Said corporation shall have all the powers and privileges and be subject to all the duties and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations : *provided*, that said corporation shall not be subject to the laws relating to life insurance companies, shall not be required to make a return to the insurance commissioner, and shall not be summoned as trustee in any action or process against any person or persons who may hereafter be entitled to assistance from said corporation under the by-laws thereof or under the provisions of this act.

Veteran Firemen's Association of Springfield incorporated.

*Proviso.*

SECTION 2. Said corporation for the purposes aforesaid shall have power to receive grants, devises, bequests and donations, and may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

Grants, devises, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved April 10, 1897.*

AN ACT TO AUTHORIZE THE CITY OF TAUNTON TO EXTEND ITS SYSTEM OF SEWERAGE. *Chap.268*

*Be it enacted, etc., as follows :*

SECTION 1. In addition to the authority conferred by chapter two hundred and nineteen of the acts of the year eighteen hundred and ninety-five the city of Taunton is hereby authorized, through its board of sewer commissioners, to take, for the purposes named in said act, by purchase or otherwise, any land, water rights, rights of way or easements in the town of Berkley : *provided, however*, that any land taken for the purpose of a system of sewerage or sewage disposal in said town of Berkley, by

May take certain land, water rights, etc.

*Proviso.*

virtue of this act, shall be located within a radius of one mile from the junction of the Assonet Neck road, so-called, and the road leading westerly therefrom to Peter's Point, so-called.

System and location to be approved by state board of health.

SECTION 2. No act shall be done under authority of the preceding section until said system and location have been approved by the state board of health, after due notice by said board of the presentation to it of such system for its approval, by a publication of such notice with the time and place of a hearing thereon, in such paper or papers, and at such time or times, as said board may deem proper, and by an official notice in writing to the selectmen of the said town of Berkley; and said board, after such hearing, may reject such system, may approve it or may modify and amend the same, and approve it as so modified and amended.

May carry its sewers, drains, etc., under streets, etc.

SECTION 3. Said city may, for the purpose of this act, carry its sewers, drains and sewage force mains under any street, highway or other way, in such a manner as not unnecessarily to obstruct the same, and may, in the town of Berkley, enter upon and dig up such street, highway or other way, for the purpose of laying, maintaining and repairing any such sewers, drains or force main, and may enter upon and dig up any private land and do any other thing necessary or proper in executing the purposes of this act. The city of Taunton shall be liable under this act for all damages occasioned by it, in the same manner as provided by section thirty of chapter twenty-seven of the Public Statutes, where water is brought through another city or town, and the city of Taunton shall also forever save harmless and indemnify the town of Berkley from all costs, damages or expenses which the town of Berkley may suffer or be compelled to pay by reason of any action brought against said town of Berkley under section eighteen of chapter fifty-two of the Public Statutes, or any act in amendment thereof: *provided*, the injury to person or damage to property is caused by the negligence of the city of Taunton while acting under the authority of this act.

City of Taunton to be liable for damages.

Proviso.

Description of lands, etc., to be recorded.

SECTION 4. When any lands, water rights, rights of way, easements or other real estate are to be taken by said city of Taunton, under and by virtue of this act, in any manner other than by purchase, said city shall file and cause to be recorded in the registry of deeds for

Bristol county, northern district, a description of the same sufficiently accurate for identification, with a statement of the purpose for which the same is taken; and upon such filing the title to the lands, water rights, rights of way, easements or other real estate so described shall vest in said city.

SECTION 5. Said city shall pay all damages sustained by any person or corporation in property by reason of such taking, and any person or corporation sustaining damages as aforesaid, who fails to agree with said city as to the amount of damages sustained, may have such damages assessed and determined in the manner provided by law when land is taken for the laying out of highways.

Payment, etc., of damages.

SECTION 6. Said city of Taunton shall not pay any tax to the town of Berkley for land taken or purchased under and by virtue of this act, or for any improvements therein in preparing said land as a filter bed and for sewage disposal, but, in lieu thereof, shall hereafter annually in the month of September pay to said town of Berkley an amount of money equal to the rate of taxation per thousand dollars in said town of Berkley for the then current year, upon a valuation of twenty dollars for each and every acre of land so taken or purchased under and by virtue of this act, and upon the value of buildings erected thereon, to be ascertained by the assessors of said town of Berkley, less any discount which may be allowed in any such year by said town of Berkley for voluntary payment of taxes, and said city shall pay interest from and after the first day of October in any year in which such amount is not paid during the month of September of such year: *provided, however*, that any land from which any revenue in the nature of rent is received from any person occupying or using the same shall be subject to taxation.

City of Taunton to make an annual payment to town of Berkley.

Proviso.

SECTION 7. This act shall take effect upon its passage.

*Approved April 10, 1897.*

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AN ACT TO AUTHORIZE THE PURCHASE OF STREET RAILWAYS AND THE CONSOLIDATION OF STREET RAILWAY COMPANIES IN CERTAIN CASES.

*Chap. 269*

*Be it enacted, etc., as follows:*

SECTION 1. A street railway company incorporated under the laws of this Commonwealth may purchase the

Certain street railway companies may consolidate, etc.

Proviso.

franchise and property of another such company whose railway connects with, intersects or forms a continuous line with its own, or may consolidate with such other company; and such other company may sell and convey its franchise and property to, or may consolidate with, such first mentioned company: *provided*, that no such purchase and sale or consolidation shall be valid or binding until the terms thereof have been agreed to by a majority of the directors and approved at meetings called for the purpose, by the vote of at least two thirds in interest of the stockholders of each of the contracting companies, and have also been approved as lawful and consistent with the public interest by the board of railroad commissioners in the manner provided by law; *provided, also*, that the facilities for travel on each of the railways of the said companies shall not be diminished or the rates of fare increased.

May increase capital stock, issue bonds, etc.

SECTION 2. The purchasing or consolidated company may, subject to the approval of the board of railroad commissioners in the manner provided by law, increase its capital stock and issue bonds to an amount necessary for the purposes authorized in the preceding section, and may exchange its securities for those of the selling or merged company on terms approved as aforesaid: *provided*, that the aggregate amount of the capital stock and debt of the two contracting companies shall in no case be increased by reason of such purchase and sale or consolidation.

Proviso.

Powers, duties, liabilities, etc.

SECTION 3. The purchasing or consolidated company shall have and enjoy the powers and privileges, and shall be subject to the duties, liabilities and restrictions, of the company selling or merged as aforesaid. And no right to carry on the express business or to be common carriers of goods and merchandise shall be allowed over any location where it has not already been granted.

SECTION 4. This act shall take effect upon its passage.

*Approved April 10, 1897.*

**Chap. 270** AN ACT TO AUTHORIZE THE TOWN OF DEDHAM TO CONSTRUCT A SYSTEM OF SEWERAGE AND TO PROVIDE FOR THE PAYMENT OF THE COST THEREOF.

*Be it enacted, etc., as follows:*

May construct system of sewerage, etc.

SECTION 1. The town of Dedham is hereby authorized, through a board of commissioners to be elected as herein-after provided, to lay out, construct, maintain and operate

a system or systems of main drains and common sewers for a part or the whole of its territory, and such connections and other works as may be required for a system of sewage disposal for said town; and said board, for the purpose of providing better surface or other drainage for any part or parts of said town, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as they deem best, may deepen, widen and clear of obstructions any brook, stream or water course within the limits of said town, and straighten, alter or divert the courses or channels thereof.

May lay main drains, etc.

SECTION 2. Said board shall consist of three commissioners, to be called the Board of Sewer Commissioners of the Town of Dedham, who shall be citizens and residents in said town and shall be elected by said town by ballot at a special meeting or at an annual meeting; one commissioner to hold office for one year, one for two years and one for three years from the date of the annual town meeting next succeeding the date of his election, or until his successor is elected and qualified; and at each annual town meeting thereafter said town shall elect one member of said board to serve for three years, or until his successor is elected and qualified. If a vacancy occurs in said board said town may at a meeting called for the purpose elect a person duly qualified to fill said vacancy.

Board of sewer commissioners, election, terms, etc.

Vacancy.

SECTION 3. Said board of commissioners, acting for and in behalf of said town, shall have full power to take by purchase or otherwise any lands, water rights, rights of way or easements in said town, public or private, of any persons or corporations, necessary for the establishment of such systems of main drains and sewers and sewage disposal, or for any of the purposes mentioned in section one of this act, and may divert streams and water courses, and may construct such main drains and sewers under or over any water course, bridge, railroad, highway, boulevard or other way, and may enter upon and dig up any private land, street or way, for the purpose of laying such main drains and sewers beneath the surface thereof and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act.

May take lands, water rights, etc.

May dig up private land, etc.

SECTION 4. Said board in order to take any lands in fee, water rights, rights of way or easements otherwise than

Description of lands, etc., to be recorded.

Damages, etc.

by purchase or agreement, shall cause to be recorded in the registry of deeds for the county of Norfolk a statement signed by a majority of said board, containing a description thereof as certain as is required in a conveyance of land, and specifying therein that the same are taken under the authority of this act; and upon such recording the title in the lands, water rights, rights of way or easements described in such statement shall vest in said town of Dedham, which shall pay all damages therefor, such payment to be made out of the appropriation for construction of main drains and sewers. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with the person or corporation injured upon the damages sustained by any such person or corporation for any taking of property or rights for the purposes aforesaid, and if the damages are not agreed upon a jury in the superior court for said county may be had upon petition of the aggrieved party, to determine the same in the manner provided by law for determining the damages to be paid for land taken for highways; but no suit or petition shall be brought after two years from the date of the recording of the taking as herein provided.

Town may offer a specified sum as damages, etc.

SECTION 5. In every case of a petition for the assessment of damages or for a jury said town may at any time file in the office of the clerk of said court an offer in writing to pay the petitioner a sum specified therein as damages; and if said petitioner does not accept the same within ten days after notice of such offer, and does not finally recover a sum greater than that offered, not including interest from the date of offer on the sum so recovered, the town shall recover costs from the date of said notice, and the petitioner if he recover damages shall be entitled to costs only to said date.

Apportionment of cost, etc.

SECTION 6. The town of Dedham shall by vote determine what proportion of the cost of said system or systems of sewerage and sewage disposal said town shall pay: *provided*, that it shall not pay less than one third nor more than one half of the whole cost. The remaining cost of said systems shall be borne by the owners of estates situated within the territory embraced by it and benefited thereby, but no estate shall be deemed to be benefited unless or until a sewer is constructed into which it can be drained. The owners of such estates shall be assessed by said commissioners their proportional parts

Provisos.



respectively of such portion of the total cost of said systems as is not borne by the town as above-provided. Such proportional parts shall be based upon the estimated average cost of all the sewers composing said systems, and shall be assessed by a fixed uniform rate according to the frontage of such estate on any street or way in which a sewer is constructed, or according to the area of such estate within a fixed depth from such street or way, or according to both frontage and area; and every such owner shall, within three months after written notice of such assessment served on him or on the occupants of his estate, or sent by mail to the last address of said owner known to said commissioners, pay the sum so assessed to the collector of taxes of said town; *provided*, that said board shall, on the written request of any such owner, made within said three months, apportion such assessment into such number of equal parts or instalments, not exceeding five, as said owner shall state in such request; and said board shall certify such apportionment to the assessors of said town, and one of said parts or instalments, with interest from the date of said apportionment at the rate of six per cent. per annum, shall be added by the assessors to the annual tax on such estates for each year next ensuing until all said parts have been so added, unless sooner paid as hereinafter provided, and *provided*, *further*, that nothing herein contained shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any balance of said assessments then remaining unpaid, but interest on such balance at the rate of six per cent. per annum shall be paid to the date of such payment; and thereupon the collector of taxes of said town shall receive the same and shall certify such payment or payments to the assessors, who shall preserve a record thereof. In cases of corner lots and lots abutting on more than one sewered street the same area shall not be assessed more than once.

SECTION 7. An assessment made under section six shall constitute a lien upon the estate, which shall continue for three years after it is made and notice served as above-provided, or, in case of apportionment, until the expiration of two years from the time the last instalment is committed to the said collector of taxes; and said assessment, if not paid within three months after service of said notice, or, if apportioned, within three months

Proviso.

Assessment to constitute a lien upon estate, etc.

after any part has become due, may, together with interest thereon at the rate of six per cent. per annum, with incidental costs and expenses, be levied by said collector by sale of such estate or so much thereof as shall be sufficient to discharge the assessment and interest and intervening charges. Such sale and all proceedings connected therewith shall be conducted in the same manner as sales for the non-payment of taxes; and real estate so sold may be redeemed the same as if sold for the non-payment of taxes, and in the same manner. Such assessments or parts thereof may also be collected by an action of contract, in the name of the town of Dedham against the owner of said estate, brought at any time within three years after the same has become due.

May be collected by an action of contract.

Persons aggrieved may apply for a jury.

SECTION 8. Any person aggrieved by such assessment may, at any time within three months after service of the notice mentioned in section six of this act, apply to the superior court of said county for a jury to revise the same, but before making such application he shall give fourteen days' notice in writing of his intention so to do to the said commissioners, and shall therein particularly specify his objection to the assessment, to which specification he shall be confined before the jury.

Dedham Sewerage Loan.

SECTION 9. The town of Dedham, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness and may issue from time to time as may be required therefor, bonds, notes or scrip to an amount not exceeding two hundred thousand dollars; and the debt and loan authorized by this act, and the notes, bonds or scrip issued therefor, shall not be considered or reckoned in determining the authorized limit of indebtedness of said town under the provisions of section four of chapter twenty-nine of the Public Statutes and of acts in amendment thereof or in addition thereto. Such bonds, notes or scrip shall bear on their face the words, Dedham Sewerage Loan, shall be payable within periods not exceeding forty years from the issuing of such bonds, notes or scrip respectively, and shall bear interest payable semi-annually at a rate not exceeding five per cent. per annum. Said bonds, notes or scrip shall be signed by the treasurer of said town and shall be countersigned by a majority of the selectmen. The said town may sell such securities or any part thereof, from time to time, at public or private sale, or pledge the same for

money borrowed for the purposes of this act: *provided*, Provided. that they shall not be sold or pledged for less than the par value thereof; and the proceeds thereof shall be retained in the treasury, and the treasurer shall pay therefrom the expenses incurred for the purposes aforesaid.

SECTION 10. Said town instead of establishing a sinking fund may, at the time of authorizing said loan, provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes. May provide for annual payments on loan.

SECTION 11. The receipts from assessments and payments made in lieu thereof under this act shall, after deducting all charges and expenses for and incident to the maintenance and operation of said systems of sewerage, be applied first to the payment of the interest upon said bonds, notes or scrip issued under authority of this act, not otherwise provided for, and the balance shall be set apart for the payment or redemption of said bonds, notes or scrip, or for the payment of the further extension of the system or systems of sewerage herein authorized to be laid out and constructed by said town, as the said town shall vote, and shall be used for no other purpose. If the receipts from said assessments and payments made in lieu thereof, in any year, not appropriated for the construction and maintenance of sewers as aforesaid, shall be insufficient to pay the interest on said bonds, notes or scrip, and the principal as it falls due, then, in such case, said town shall raise forthwith by taxation, in the same manner as money is raised and appropriated for other town purposes, such sum as will meet said requirements. Payment of loan, etc.

SECTION 12. Said board of commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, neither of whom shall be one of their own number, and may remove said clerk or superintendent at their pleasure. The compensation of said clerk and superintendent and of said commissioners shall be fixed by said town. Clerk and superintendent, appointment, etc.

Making of contracts, etc.

SECTION 13. All contracts made by said board of commissioners for the purposes of this act shall be the contracts of said town, and shall be signed by said board, but no contracts shall be made or obligations incurred by said commissioners for the laying out and construction of said systems of sewerage, in excess of the amount of money appropriated by the town therefor.

May prescribe rules and regulations, etc.

SECTION 14. Said board of commissioners may prescribe rules and regulations for the connecting of estates and buildings with said main drains and sewers, and for the inspection of materials, construction, alteration or use of all connections and drains entering into such main drains or sewers, and may impose penalties, not exceeding twenty dollars, for each violation of any such rule or regulation. Such rules and regulations shall be published not less than once a week for four successive weeks in some newspaper published in said town of Dedham, and shall not take effect until such publication has been made.

May connect with sewers of Hyde Park, etc.

SECTION 15. Said board of commissioners may enter into an agreement with the town of Hyde Park for the disposal of such sewage as cannot be conveniently conveyed from any portion of the town of Dedham by gravity flow to the main valley sewer authorized to be constructed, maintained and operated by the provisions of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five, and may make such connections with the sewers now or hereafter to be constructed by said town of Hyde Park as may be required for such disposal, upon such terms as may be agreed upon between said towns; and for that purpose may enter upon and dig up any street or way in said town of Hyde Park, and may take by purchase or otherwise any lands, rights of way or easements in said town necessary for the purpose of making such connections.

Certain provisions of law to apply.

SECTION 16. The provisions of chapter fifty of the Public Statutes and of acts in amendment thereof, and of chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-two, so far as applicable and not inconsistent with this act, shall apply to the town of Dedham in carrying out the provisions of this act.

When to take effect, etc.

SECTION 17. This act shall take effect upon its passage; but no expenditure shall be made and no liability incurred under the same unless this act shall first be accepted by vote of a majority of the legal voters of said town of

Dedham present and voting thereon at a legal meeting called for that purpose within three years from the date of its passage. And the said town may elect said board of sewer commissioners, as provided in section two, at the same meeting at which it accepts this act.

*Approved April 10, 1897.*

AN ACT TO FURTHER REGULATE THE TRANSPORTATION OF SPIRITUOUS AND INTOXICATING LIQUORS INTO NO-LICENSE CITIES AND TOWNS.

*Chap. 271*

*Be it enacted, etc., as follows:*

SECTION 1. All spirituous or intoxicating liquors to be transported for delivery to or in a city or town where licenses of the first five classes have not been granted, when to be transported for hire or reward, shall be delivered by the seller or consignor to a railroad corporation or to a person or corporation regularly and lawfully conducting a general express business, in vessels or packages plainly and legibly marked on the outside with the name and address, by street and number, if there be such, of the seller or consignor, and of the purchaser or consignee, and with the kind and amount of liquor therein contained. Delivery of such liquors or any part thereof, either by a railroad corporation or by a person or corporation regularly and lawfully conducting a general express business, or by any other person, to any person other than the owner or consignee whose name is marked by the seller or consignor on said vessels or packages, or at any other place than thereon marked, shall be deemed to be a sale by any person making such delivery to such person in the place where such delivery is made.

Transportation, etc., of intoxicating liquors into no-license cities and towns.

SECTION 2. Every railroad corporation or person or corporation regularly and lawfully conducting a general express business, receiving spirituous or intoxicating liquors for delivery, or actually delivering intoxicating liquors to any person or place in a city or town described in section one of this act, shall keep a book, and plainly enter therein the date of the reception by it or him of each vessel or package of such liquors received for transportation, and a correct transcript of the marks provided for by this act, and the date of its delivery by it or him, and the name of the person to whom delivered, shall be signed to the same as a receipt; and said book shall at all times

Record of receipt and delivery to be kept, etc.

To be open to inspection of certain officers, etc.

be open to the inspection of the officers named in section fifteen of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six. Such officers shall not make public the information obtained by such inspection except in connection with the enforcement of law.

Certain packages may be seized, etc.

SECTION 3. All vessels or packages containing intoxicating liquors addressed contrary to the provisions of this act, or to a fictitious person, or to a person unknown or who cannot be found, may be seized by any officer authorized to serve criminal process, and shall, with the liquor contained therein, be declared forfeited to the Commonwealth.

Not to solicit orders, etc.

SECTION 4. No person shall solicit in the territory of a city or town described in section one of this act orders for or purchases of intoxicating liquors.

Penalty.

SECTION 5. Any person who violates any of the provisions of this act shall be liable to the penalties provided in chapter one hundred of the Public Statutes and in acts in amendment thereof.

SECTION 6. This act shall take effect upon its passage.

*Approved April 10, 1897.*

### *Chap. 272*

AN ACT RELATIVE TO THE RETURN TO PRISON OF PRISONERS WHO HAVE VIOLATED THE CONDITIONS OF THEIR RELEASE.

*Be it enacted, etc., as follows :*

Certain prisoners violating conditions of release may be arrested, etc.

When a permit granted by the commissioners of prisons and authorizing the release of any prisoner in the state prison, the reformatory prison for women, the Massachusetts reformatory, or in any jail or house of correction, has been revoked by said commissioners, they may issue an order authorizing the arrest of the holder of said permit and his return to the place of imprisonment from which he was released. Said order of arrest may be served by any officer authorized to serve criminal or civil process in any county in this Commonwealth. If the person for whose arrest said order is issued is confined in any prison, service of such order may be made upon his release therefrom; and the time between the revocation of said permit and his return to the place of his original imprisonment shall not be taken to be any part of the term of the sentence under which he was given the permit so revoked.

*Approved April 10, 1897.*

AN ACT RELATIVE TO MARKING THE CARRYING CAPACITY OF  
LIGHTERS OR OTHER VESSELS EMPLOYED IN TRANSPORTING  
STONE, GRAVEL OR SAND. *Chap.273*

*Be it enacted, etc., as follows :*

SECTION 1. Every lighter or other vessel employed in transporting stone sold by weight, or in transporting gravel or sand, shall be marked in the manner prescribed by section fourteen of chapter sixty-nine of the Public Statutes, or the weight which such lighter or other vessel is capable of carrying shall be indicated as follows : — By having in the hold of such lighter or vessel, at each end thereof, and as near as practicable to the extremities of the space where the cargo is usually carried, a glass tube with a stopcock at the bottom ; said tube shall be mounted upright upon a scaleboard of metal or wood, having thereon marks or figures so arranged as to indicate the weight of the cargo when the water in the tube shall reach the bottom of a figure or mark on the scaleboard.

Carrying capacity of certain vessels to be marked, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved April 10, 1897.*

AN ACT RELATIVE TO THE APPORTIONMENT OF SEWER ASSESSMENTS. *Chap.274*

*Be it enacted, etc., as follows :*

SECTION 1. Section one of chapter ninety-seven of the acts of the year eighteen hundred and ninety-one, as amended by chapter three hundred and eighty of the acts of the year eighteen hundred and ninety-three, is hereby amended by inserting in the second line, after the word "council", the words : — and in towns which by vote of the legal voters at a town meeting called for the purpose, — so as to read as follows : — *Section 1.* In cities which by vote of the city council, and in towns which by vote of the legal voters at a town meeting called for the purpose, accept the provisions of this act, if the owner of real estate therein within thirty days after notice of a sewer assessment thereon, or of any charges made for entering or using any public sewer, notifies in writing the board of assessors to apportion the same, said board shall apportion the same into such number of equal parts, not exceeding ten, as said owner shall in said notice state. The assessors shall add one of said parts with interest to the

1891, 97, § 1, etc., amended.

Apportionment of sewer assessments in cities and towns.

To constitute a  
lien upon real  
estate, etc.

Proviso.

annual tax of said real estate for each year next ensuing until all said parts have been so added. Such assessments or charges, or apportionments thereof shall constitute a lien upon the real estate, and may be collected according to the provisions of law made for the collection of taxes upon real estate. All liens for the collection of such assessments or charges shall continue until the expiration of two years from the time when the last instalment is committed to the collector, and interest shall be added to all such assessments or charges until they are paid: *provided*, that nothing herein contained shall be construed to prevent the payment at any time in one payment of any balance of said assessments or charges then remaining unpaid, notwithstanding a prior apportionment.

SECTION 2. This act shall take effect upon its passage.

*Approved April 10, 1897.*

**Chap. 275** AN ACT TO ENABLE WOMEN TO BECOME MEMBERS OF THE NEW ENGLAND HISTORIC GENEALOGICAL SOCIETY.

*Be it enacted, etc., as follows:*

Women may be  
admitted to  
membership.

The New England Historic Genealogical Society, a corporation organized under the laws of this Commonwealth, may admit women to membership, subject to such restrictions as the by-laws of said corporation may from time to time impose.

*Approved April 10, 1897.*

**Chap. 276** AN ACT TO PERMIT THE RELOCATION OF A CERTAIN HIGHWAY OVER THE LAND OF THE TRUSTEES OF THE WESTBOROUGH INSANE HOSPITAL.

*Be it enacted, etc., as follows:*

May permit the  
relocation of a  
certain high-  
way.

SECTION 1. The trustees of the Westborough insane hospital are hereby authorized to permit the relocation of the highway leading over land of the said trustees, past the buildings of the Westborough insane hospital, over other land of the said trustees, in such place and according to such plan as the said trustees may approve. And the Massachusetts highway commission may relocate and build said highway during the year eighteen hundred and ninety-seven, and may pay for building the same out of any funds that may hereafter be authorized to be expended by said commission.

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1897.*



AN ACT TO EXTEND THE POWERS OF THE BLUE HILL EVANGELICAL SOCIETY. *Chap.277*

*Be it enacted, etc., as follows :*

SECTION 1. The Blue Hill Evangelical Society may take and hold real and personal estate for the purpose of establishing and maintaining a free public reading room and library, and for other benevolent, philanthropic or educational purposes.

May take and hold real and personal estate.

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1897.*

AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO TAKE CERTAIN RIGHTS, PRIVILEGES, PROPERTY AND EASEMENTS OF THE FITCHBURG RAILROAD COMPANY AND OTHERS NEAR FRESH POND IN CAMBRIDGE. *Chap.278*

*Be it enacted, etc., as follows :*

SECTION 1. The city of Cambridge, in addition to the powers and authority hitherto given and conferred in the establishment, enlargement and preservation of its water supply, and especially for the better preservation of the purity of the waters of Fresh Pond in said Cambridge, at any time within two years from the passage of this act may take and hold by purchase or otherwise all the rights, privileges, property and easements which the Fitchburg Railroad Company have in and to any land, real estate and locations hitherto granted to and acquired by said railroad company in Cambridge, included within the area of lands hitherto taken, now owned in fee or otherwise and controlled by said city in, under and around Fresh Pond, within the boundaries hereinafter described, and also any and all the rights, privileges and property of any and all other persons or corporations in and to any land, rights of way, easements and real estate now covered by and included in such or other railroad locations now or heretofore existing in Cambridge as aforesaid, and lying within the territory bounded as follows, to wit: — Southeasterly by the Watertown branch of the Fitchburg railroad; northeasterly by Concord avenue; northwesterly by the boundary line between said Cambridge and the town of Belmont; and southwesterly by Huron avenue.

May take and hold certain rights, privileges, etc.

SECTION 2. Said city shall, within sixty days after taking for the purposes of this act any lands, rights,

Description of lands, etc., to be recorded, etc.

Description of  
lands, etc., to  
be recorded,  
etc.

privileges, property and easements, as herein provided, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the southern district of Middlesex county a copy of the record of the proceedings of said taking, with a statement of the purpose for which the same were taken, which statement shall be signed by the mayor; and said proceedings of taking may be had and made by one act of taking of any and all railroad locations, rights, privileges and easements as aforesaid of the said Fitchburg Railroad Company, and of all other persons and corporations within said boundaries, and the description as aforesaid of said boundaries shall be sufficient for the identification of the property taken; and within said sixty days said city shall cause a notice of such taking to be sent by mail to the president of the Fitchburg Railroad Company and to be published in some one newspaper published in said Cambridge, and also in some one newspaper published in Boston in the county of Suffolk, once a week for three successive weeks.

Damages.

SECTION 3. Said city shall be liable to pay all damages sustained in property by any person or corporation by reason of the taking of any land, right or easement, or by any other thing done by said city under the authority of this act. If any one sustaining damages as aforesaid does not agree with said city upon the amount of said damage he may within two years from such taking, and not afterwards, apply by petition for an assessment of the damage to the superior court in the county in which the property taken or damaged is situated. Such petition may be filed at any time within said two years in the office of the clerk of said court, who shall thereupon issue a summons to said city, returnable at the next return day after the expiration of fourteen days from the filing of the petition. The summons shall be served fourteen days at least before the day on which it is returnable, by leaving a copy thereof and of the petition, certified by the officer who served the same, with the clerk of said city, and the court may upon default or hearing of said city appoint three disinterested persons, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid, and the award of the persons so appointed, or a major part of them, being returned into and accepted by the court shall be final, and judgment shall be rendered and execution

issued thereon for the prevailing party, with costs, unless one of the parties claims a trial by jury, as hereinafter provided.

SECTION 4. If either of the parties mentioned in the preceding section is dissatisfied with the amount of damages awarded, as herein provided, such party may, at the sitting of the court at which said award was accepted, or at the next sitting thereafter, claim in writing a trial in said court, and thereupon all questions of fact relating to such damages shall be heard and determined, and the amount of damages assessed by a jury at the bar of said court; and the verdict of the jury being accepted and recorded by the court shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the parties respectively; and all the aforesaid proceedings and matters shall be had and determined in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Parties dissatisfied may have damages assessed by a jury, etc.

SECTION 5. In every case of a petition to the superior court for an assessment of damages as provided in this act the said city may tender to the petitioner or his attorney any sum, or may bring the same into court to be paid to the petitioner for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the petitioner does not accept the sum so offered or tendered, with his costs up to that time, but proceeds with his suit, he shall be entitled to his costs to the time of such tender or payment into court or offer of judgment, and not afterwards, unless the amount recovered by him in such action exceeds the amount so tendered.

City may tender a specified sum as damages, etc.

SECTION 6. All the rights, powers and authority given to the city of Cambridge by this act shall be exercised by said city, subject to all duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the city council shall from time to time ordain, direct and appoint.

Exercise of rights, powers, etc., by city.

SECTION 7. The expense of the land taken or purchased as aforesaid, and of improving said land by grading or altering, shall be met and paid out of the proceeds of loans authorized or that may be authorized for the purposes of water supply.

Payment of expense.

SECTION 8. This act shall take effect upon its passage.

*Approved April 14, 1897.*

**Chap. 279** AN ACT MAKING APPROPRIATIONS FOR THE DECENNIAL CENSUS, FOR THE SOLDIERS' HOME IN MASSACHUSETTS AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Be it enacted, etc., as follows :*

- Appropriations.** SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein otherwise provided, for the purposes specified in certain acts and resolves of the present year, to wit :—
- Decennial census.** For the decennial census, as authorized by chapter seventy-one of the acts of the present year, a sum not exceeding thirty thousand dollars.
- Purchase of books for state library.** For the purchase of books for the state library, as authorized by chapter one hundred and fourteen of the acts of the present year, the sum of fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.
- Concentrated commercial feed stuffs.** For expenses incurred in carrying out the provisions of the act relative to concentrated commercial feed stuffs, as authorized by chapter one hundred and seventeen of the acts of the present year, the sum of twelve hundred dollars.
- Widow of Charles O. Brady.** For the widow of Charles O. Brady, as authorized by chapter three of the resolves of the present year, the sum of fifty-eight dollars and six cents.
- Children of Edwin N. Robbins.** For the children of the late Edward N. Robbins, as authorized by chapter four of the resolves of the present year, the sum of seven hundred and fifty dollars.
- Lemuel Burr.** For Lemuel Burr, as authorized by chapter five of the resolves of the present year, the sum of one hundred and fifty dollars.
- Report on docks and terminal facilities.** For additional copies of the report of the state board on docks and terminal facilities, as authorized by chapter six of the resolves of the present year, the sum of thirteen hundred eighty-eight dollars and sixty-five cents.
- George E. Merry.** For George E. Merry, as authorized by chapter seven of the resolves of the present year, the sum of one hundred and seventy-five dollars.
- Manual.** For printing additional copies of the manual of the general court, as authorized by chapter eight of the resolves of the present year, a sum not exceeding four hundred and fifty dollars.

For George O. Bent, as authorized by chapter nine of the resolves of the present year, the sum of three hundred and sixty dollars.

George O. Bent.

For furnishing two buildings at the Massachusetts school for the feeble-minded, as authorized by chapter ten of the resolves of the present year, a sum not exceeding five thousand dollars.

Massachusetts school for the feeble-minded.

For the Trustees of the Soldiers' Home in Massachusetts, as authorized by chapter thirteen of the resolves of the present year, the sum of thirty-five thousand dollars.

Trustees of the Soldiers' Home.

For the family of the late B. Alden Nourse, as authorized by chapter fourteen of the resolves of the present year, the sum of seven hundred and fifty dollars.

Family of B. Alden Nourse.

For the Massachusetts Agricultural College, as authorized by chapter fifteen of the resolves of the present year, a sum not exceeding twelve thousand dollars.

Massachusetts Agricultural College.

For repairs to the training ship Enterprise, as authorized by chapter seventeen of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Training ship Enterprise.

For expenses in connection with the codification of the election laws, as authorized by chapter eighteen of the resolves of the present year, the sum of five hundred dollars.

Codification of election laws.

For furnishing and equipping the new buildings of the Massachusetts hospital for epileptics, as authorized by chapter nineteen of the resolves of the present year, a sum not exceeding twenty-two thousand seven hundred and fifty dollars.

Massachusetts hospital for epileptics.

For printing the special report of the board of agriculture on the extermination of the gypsy moth, as authorized by chapter twenty of the resolves of the present year, a sum not exceeding three hundred dollars.

Report on extermination of the gypsy moth.

For the expense incurred by the secretary of the Commonwealth in the purchase of parchment, the sum of seven hundred and sixty-five dollars.

Purchase of parchment.

For printing and binding the records of the Massachusetts troops of the period of the revolution, as authorized by chapter one hundred of the resolves of the year eighteen hundred and ninety-one, the sum of four hundred and fifty-seven dollars and two cents.

Revolutionary records.

For the Northwest Middlesex Teachers' Association, as authorized by chapter one hundred and fifty-four of the acts of the present year, the sum of twenty-five dollars, which is hereby made payable from the moiety of the

Northwest Middlesex Teachers' Association.

income of the Massachusetts School Fund applicable for educational purposes.

Payment of  
bounties to  
Massachusetts  
soldiers.

For clerical assistance and such other expenses as may be necessary in carrying out the provisions of the act for the payment of bounties to Massachusetts soldiers from the treasury of the Commonwealth in certain cases, as authorized by chapter one hundred and seventy-nine of the acts of the present year, a sum not exceeding one thousand dollars, and for the payment of such bounties as may be found to be due, a sum not exceeding twenty-five thousand dollars.

Executive  
stenographer.

For the services of a stenographer for the executive department, as authorized by chapter one hundred and eighty-eight of the acts of the present year, the sum of five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

SECTION 2. This act shall take effect upon its passage.

*Approved April 14, 1897.*

**Chap. 280** AN ACT RELATIVE TO THE TIME OF APPOINTMENT OF OFFICERS AND THE TERMS OF OFFICE OF THE COUNCILLORS AND CENSORS OF THE MASSACHUSETTS MEDICAL SOCIETY.

*Be it enacted, etc., as follows :*

Councillors of  
Massachusetts  
Medical Society  
may appoint  
officers.

SECTION 1. The councillors of the Massachusetts Medical Society may appoint officers, under the provisions of section three of chapter one hundred and twenty-three of the acts of the year eighteen hundred and two, at such meeting of the councillors either preceding or succeeding the annual meeting of the said society, as the society may by its rules and by-laws determine.

Terms of office.

SECTION 2. The terms of office of the councillors and censors annually elected by the district societies, into which the Massachusetts Medical Society is divided, may begin at such times as shall be fixed by the rules and by-laws of the said Massachusetts Medical Society.

SECTION 3. This act shall take effect upon its passage.

*Approved April 14, 1897.*

**Chap. 281** AN ACT TO ESTABLISH A CERTAIN BOUNDARY LINE BETWEEN THE TOWNS OF BOURNE AND WAREHAM.

*Be it enacted, etc., as follows :*

Boundary line  
between Bourne  
and Wareham  
established.

SECTION 1. The boundary line between the towns of Bourne and Wareham is hereby established as follows : —

Beginning at the stone monument near the Red Brook bridge, on the west side of said brook a few rods south of the road leading from Sandwich to Wareham, at the corner of the towns of Plymouth, Bourne and Wareham; thence southeasterly, as the channel of said brook runs, to its mouth to a point one hundred and fifty-six feet due west from a stone monument set on the easterly side of the mouth of said brook; thence south, eighteen degrees east, across the flat or bar to the channel; thence by the channel down past Cohasset Narrows as the channel runs, passing between Hog island and Hog neck, and thence by the channel to a point in the centre of the channel between the black buoy standing on the northeast point of the ledge off the west side of Mashnee island and said island; thence southwesterly in a straight line for Abials ledge, until said line intersects with the northerly boundary line of the town of Marion or with said boundary line produced.

Boundary line between Bourne and Wareham established.

SECTION 2. The expense of maintaining, operating, rebuilding or repairing the highway bridge across Cohasset Narrows, including the draw in the same, between abutments, shall be equally borne by said towns of Bourne and Wareham.

Maintaining, etc., bridge across Cohasset Narrows..

SECTION 3. The county commissioners of the counties of Barnstable and Plymouth, as a joint board, are hereby directed to mark the said boundary by suitable monuments so far as possible; and after the erection of said monuments said board shall file in the office of the secretary of the Commonwealth and in the registry of deeds for the county of Barnstable and for the county of Plymouth a plan showing by courses and distances the boundary line hereby established and the monuments marking the same, and said boundary line shall thereupon be the boundary line between said towns.

Boundary to be marked, etc.

SECTION 4. This act shall take effect upon its passage.

*Approved April 14, 1897.*

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AN ACT TO INCORPORATE THE EDGARTOWN WATER COMPANY.

*Chap. 282*

*Be it enacted, etc., as follows:*

SECTION 1. Joseph K. Nye, Edward D. Eldredge and Harlan C. Chadwick, their associates and successors, are hereby made a corporation by the name of the Edgartown Water Company, for the purpose of supplying the inhabitants of the town of Edgartown, or any part thereof, with

Edgartown Water Company incorporated.

water for domestic, manufacturing and other purposes, including the extinguishment of fires, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take certain waters, lands, etc.

SECTION 2. Said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters, or so much thereof as may be necessary, of any ponds, springs, streams, wells or any filter galleries or wells that may be constructed upon the shore of any pond, or near to any spring or stream within the limits of the said town of Edgartown, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town, and may erect on the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works. Said corporation may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads or public or private ways, and along any such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands and ways: *provided, however*, that said company shall not enter upon and dig up any public ways except with the approval of the board of selectmen of the town in which such ways are situated, after a public hearing by said board, of which at least ten days' notice shall be given by publishing an attested copy of said notice in a new-paper published in said town, if any, and by posting an attested copy of said notice in at least five public places in said town; and *provided, further*, that no hearing shall be necessary in cases where said ways are to be entered upon and dug up by said company for the purpose of constructing extensions to its plant and maintaining and repairing such conduits, pipes and other works.

May lay down conduits, pipes, etc.

Provisos.

Description of lands, etc., to be recorded.

SECTION 3. Said corporation shall, within ninety days after the taking of any lands, rights of way, water rights,



water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Dukes County a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation.

SECTION 4. Said corporation shall pay all damages Damages. sustained by any person or corporation in property by the taking of any land, right of way, water, water sources, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said corporation as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within three years from the taking of such land or other property or the doing of any other injury under the authority of this act; but no such application shall be made after the expiration of three years. No application for the assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto, until the water is actually withdrawn or diverted by said corporation under the authority of this act. Said corporation may by vote, May determine amount of water to be taken, etc. from time to time, fix and determine what amount or quantity of water it proposes to take and appropriate under this act; in which case any damages caused by such taking shall be based upon such amount or quantity until the same shall be increased by vote or otherwise, in which event said corporation shall be further liable only for the additional damages caused by such additional taking.

SECTION 5. Said corporation may distribute said water Distribution of water, etc. through said town of Edgartown, or any part thereof, and may regulate the use of the same and fix and collect water rates to be paid therefor. And said town, or any individual, corporation, or any fire district legally organized in said town, may make such contracts with said water company to supply water for the extinguishment of fires or for other purposes as may be agreed upon by said town, individual, corporation or fire district, and said Edgartown Water Company.

SECTION 6. Said corporation may, for the purposes Real estate and capital stock. set forth in this act, hold real estate not exceeding in

amount ten thousand dollars; and the whole capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

Certificate of payment of capital to be filed, etc.

SECTION 7. Immediately after the payment of the capital stock of said company a certificate of that fact and of the manner in which the same has been paid in, and at the time of making the certificate has been invested, signed and sworn to by the president, treasurer and a majority at least of the directors, and approved by the commissioner of corporations, shall be filed in the office of the secretary of the Commonwealth. A conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

May issue mortgage bonds, etc.

SECTION 8. Said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall be expended only in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Issue of stock and bonds to be approved by commissioner of corporations.

SECTION 9. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time, upon investigation by the commissioner of corporations, be deemed by him to be reasonably requisite for the purposes for which such issue of stock or bonds has been authorized. His decision approving such issue shall specify the respective amounts of stock and bonds authorized to be issued, and the purposes to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the certificates of stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

**SECTION 10.** Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon being convicted of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment in jail not exceeding one year.

Penalty for corruption of water, etc.

**SECTION 11.** Said town of Edgartown shall have the right, at any time during the continuance of the charter hereby granted, to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the total actual cost of its franchise, works and property of any kind held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of taking, as hereinafter provided, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total actual cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total actual cost. Said town, on taking as herein provided the property of said corporation, shall assume all of its outstanding obligations, including the bonds authorized in this act; and the amount thus assumed shall be deducted from the total amount to be paid by said town to said corporation. An itemized statement of the receipts and expenditures of said corporation shall be annually submitted to the selectmen of the town of Edgartown, and by said selectmen to the citizens of said town. In case said town and said corporation are unable to agree upon the amount of the total actual cost of the franchise, corporate property, rights and privileges of said corporation, then, upon a suit in equity by said town, the supreme judicial court shall ascertain and fix such total actual cost under the foregoing provisions of this act, and enforce the right of said town to take possession of such franchise, cor-

Town may take franchise, property, etc.

Statement of receipts and expenditures to be submitted annually.

porate property, rights and privileges, upon payment of such cost to said corporation. This authority to take said franchise and property is granted on condition that the same is assented to by said town by a two thirds vote of the voters present and voting thereon at a meeting called for that purpose.

Edgartown  
Water Loan.

SECTION 12. Said town may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate seventy-five thousand dollars; such bonds, notes or scrip shall bear on their face the words, Edgartown Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said town shall pay the interest upon said loan as it accrues, and shall provide for the payment of said principal at maturity, by establishing at the time of contracting said debt a sinking fund, or from year to year by such proportionate payments as will extinguish the same within the time prescribed by this act. In case said town shall decide to establish a sinking fund it shall contribute thereto annually a sum of money sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town shall decide to pay the principal of said loan by instalments such amounts as may be necessary to make such payments shall, without further vote of said town, be raised annually by taxation, in the same manner as money is raised for other town expenses.

Sinking fund.

Water commis-  
sioners, elec-  
tion, terms, etc.

SECTION 13. Said town shall, after its purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding

annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years.

SECTION 14. All the authority granted to the said town by this act and not otherwise specifically provided for shall be vested in said water commissioners, who shall be subject however to such restrictions, rules and regulations as said town may impose by its votes. Said commissioners shall be trustees of the sinking fund herein provided for, and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board for any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Authority, restrictions, etc.

To be trustees of sinking fund, etc.

SECTION 15. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such contributions to the sinking fund as may be required under the provisions of this act. Said town is further authorized, by a two thirds vote of the voters of said town present and voting at any legal meeting, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional appliances and fixtures connected therewith, not exceeding five thousand dollars in any one year.

Payment of expenses, etc.

Town may extend its water works.

SECTION 16. This act shall take effect upon its passage, but shall become void unless said water company shall have commenced to distribute water through its pipes to consumers in said town within three years from the date of its passage.

When to take effect.

*Approved April 15, 1897.*

AN ACT TO REVISE THE CHARTER OF THE CITY OF NEWTON.  
*Be it enacted, etc., as follows:*

*Chap. 283*

INCORPORATION.

SECTION 1. The inhabitants of the city of Newton shall continue to be a municipal corporation, under the name of the City of Newton, and as such shall be subject

City of Newton.

to all general laws relating to such corporations not inconsistent with the provisions of this act.

Seven wards.

SECTION 2. The territory of said city shall be divided into seven wards, as at present constituted, until the wards are changed under the provisions of law.

Financial and municipal year.

SECTION 3. The financial year of said city shall begin with the first day of January, and the municipal year, and the term of all officers elected at the annual city election, shall begin with the second Monday of January following the election.

#### ANNUAL ELECTION AND OFFICERS.

Mayor, aldermen and members of school committee to be elected by ballot, etc.

SECTION 4. The annual city election shall be held on the second Tuesday of December, at which there shall be elected by ballot, a mayor, aldermen at large and aldermen by wards, and members of the school committee. The mayor, aldermen and school committee shall respectively be elected and hold office as follows: — The mayor for the term of one year and until his successor is elected and qualified; the aldermen at large for the term of two years, except for the first term herein provided, and the aldermen by wards for the term of one year; the school committee for the term of three years, except as herein otherwise provided. The board of aldermen shall consist of twenty-one members, until otherwise provided. At the next annual city election there shall be elected by and from the voters of the city the following officers: — A mayor, one alderman from each ward to serve for the term of one year, and one alderman from each ward to serve for the term of two years, and such members of the school committee as shall be necessary to fill vacancies, as provided in section nineteen of this act, and there shall be elected by and from the voters of each ward one alderman to serve for the term of one year. At each annual city election thereafter there shall be elected officers to fill vacancies and to succeed those whose terms expire upon the second Monday of January following.

#### ADMINISTRATION.

Administration of municipal affairs, etc.

SECTION 5. The administration of the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in an executive department,

to consist of the mayor, and a legislative department, to consist of the board of aldermen. The executive department shall never exercise any legislative power, and the legislative department shall never exercise any executive power.

#### ORGANIZATION.

SECTION 6. On the second Monday in January at three o'clock in the afternoon the mayor elect and aldermen elect shall meet and be sworn to the faithful performance of their duties. At any time thereafter the oath may be administered to the mayor elect or to any alderman elect who was absent or was not then elected.

Oaths of office of mayor and aldermen.

SECTION 7. If there is no mayor elect, or if any vacancy exists in the board of aldermen, the qualified members of said board shall forthwith call an election to fill all vacancies.

Vacancies.

#### BOARD OF ALDERMEN.

SECTION 8. The board of aldermen shall be the judge of the election and qualifications of its members, and shall from time to time make rules for its proceedings. A majority of all the members of the board shall constitute a quorum for the transaction of business, but a less number may meet and adjourn from time to time.

To be judge of election of its members, etc.  
Quorum.

SECTION 9. After the mayor elect and a majority of the aldermen elect have been sworn the board of aldermen shall be called together by the mayor, who shall preside until a president shall be elected; the president shall thereafter preside, and a vice president shall then be elected. No other business shall be transacted by the aldermen until the officers aforesaid have been elected. The city clerk shall be clerk of the board of aldermen.

Organization.

SECTION 10. The board of aldermen as soon as may be after the election of the officers aforesaid shall elect by ballot a city clerk, a city treasurer, a city collector, and a city auditor. The term of said officers shall begin upon the second Monday in February following and continue until their respective successors are elected and qualified, unless they are removed by vote of a majority of all the members of the board, taken by ballot. The city treasurer may, if so provided by ordinance, also be city collector. The city collector shall have and exercise all the powers

To elect certain officers by ballot, etc.

of collectors of taxes, and such other powers as the board of aldermen shall by ordinance determine.

Passing of ordinances, etc.

SECTION 11. Any ordinance, order or resolution of the board of aldermen may be passed through all its stages of legislation at one session, provided no member of said board objects thereto; but if one or more members object the measure shall be postponed for that meeting; and if when it is next brought up five or more members object to its passage at that meeting a second postponement of at least one week shall take place.

Certain ordinances, etc., to be approved by mayor, etc.

SECTION 12. Every ordinance, order, resolution or vote of the board of aldermen required by law to be presented to the mayor shall be presented by the clerk of said board to the mayor for his approval in writing; and thereupon the same proceedings shall be had as are provided by law in relation to similar ordinances, orders, resolutions and votes of a city council. The clerk shall hold every such ordinance, order, resolution or vote for twenty-four hours, Sundays and legal holidays excepted, and if during such time a notice of a motion to reconsider is filed with the clerk by any member entitled to make such motion the ordinance, order, resolution or vote shall be presented to the board at its next meeting; otherwise it shall be presented to the mayor at the expiration of said twenty-four hours.

Meetings of board of aldermen, etc.

SECTION 13. The board of aldermen may hold a special meeting at any time, without previous notice, when all the members have assembled, and at such meeting any business may be transacted, provided no member of the board objects thereto. All meetings shall be public except when action is taken upon appointments or removals.

Powers, etc.

SECTION 14. The board of aldermen shall, except as is otherwise provided herein, have and exercise: —

I. The powers of towns, the powers of boards of aldermen, and of the mayor and aldermen and city councils of cities under general laws.

II. The powers now held by the city of Newton, or by the city council, or by the aldermen, or by the mayor and aldermen of Newton by special laws.

III. The power to take land by eminent domain, purchase, gift or otherwise, for public parks, squares and playgrounds, such power to be exercised only by vote of two thirds of all the members of the board of aldermen



voting by yea and nay; the damages sustained by any person by any such taking to be determined as provided herein for determining the damages occasioned by the laying out of town ways.

IV. The exclusive power to lay out, locate anew, alter, Streets, highways, etc. widen and discontinue town ways, streets and highways, and to order specific repairs or a change of grade thereon, without any appeal therefrom; and whenever in the opinion of the board the public necessity and convenience require that a town way or street shall be laid out, or an existing town way, street or highway shall be located anew, altered, widened or discontinued, or that specific repairs or a change of grade shall be made thereon, said board shall appoint a time for a public hearing, and shall cause a notice thereof and of its intention in the matter to be given as now required by general law relating to town ways. Said hearing may be adjourned from time to time if the board deem it necessary, and after said hearing said board shall determine what action the public necessity and convenience require, and the way shall be laid out, located anew, altered, widened or discontinued, or specific repairs or a change of grade shall be made Damages. thereon, if so determined. The damages sustained thereby shall be assessed and awarded by said board. A person aggrieved by the assessment of his damages may have the remedies provided by general law in the case of town ways.

V. The power to make ordinances and affix penalties May make ordinances, affix penalties, etc. for the violation thereof, not exceeding twenty dollars for each offence, to be imposed by criminal complaint, for all purposes for which towns and cities may make by-laws and ordinances under general laws; also the power to create additional executive or municipal departments, to consolidate boards, offices and departments, to separate and divide the powers and duties of such as have already been established, and to fix, increase or diminish the number of persons constituting either of the boards herein provided for or to be provided for. But no ordinance consolidating the street department, the water department or the public buildings department herein provided for, or either of them with either of the others, shall take effect unless ratified by the voters of said city at the city election next following the passage of such ordinance. All such ordinances shall take effect without other sanction or approval than is provided in this act.

## MAYOR.

Executive powers to be vested in mayor.

Executive officers, appointment, term, etc.

Enforcement of laws, ordinances, etc.

Mayor may suspend certain officers, etc.

To recommend measures, communicate information, etc.

**SECTION 15.** The executive powers of the city shall be vested solely in the mayor, and may be exercised by him either personally or through the several officers or boards of the city in their departments, under his general supervision and control. He shall appoint the executive officers, including the assistant assessors, subject, within fourteen days from the date of appointment, to confirmation by the board of aldermen. Unless it shall be otherwise provided by ordinance the terms of office of such officers shall be as follows:—Assessors first appointed hereunder, one, two and three years respectively, and thereafter three years; assistant assessors and overseers of the poor, one year; other officers until they resign or are removed. The mayor shall cause the laws, ordinances and orders for the government of the city to be enforced, and shall cause a record of all of his official acts to be kept, and for that purpose and to aid him in his official duties he may appoint one or more assistants and define their duties; he shall fix their salaries, subject to the approval of the board of aldermen. The salary of the mayor shall not be changed during his term of office.

**SECTION 16.** The mayor may, in writing, suspend any executive officer or any work, and he shall at once report his action and his reasons therefor to the board of aldermen. The suspension of any such officer shall, in fifteen days after said report is made, be a removal, unless within that time he asks for a hearing before the board, which shall forthwith be granted, and upon the conclusion of such hearing the board vote that the mayor's suspension be not sustained, in which case the officer shall be at once reinstated. Work suspended by the mayor may be carried on at his discretion until action is taken by the board. If the board shall within fifteen days after receiving the report vote that the mayor's action suspending the work be not sustained the work shall be prosecuted forthwith.

**SECTION 17.** The mayor shall communicate to the board of aldermen such information and shall recommend such measures as in his judgment the interests of the city require. He may at any time call a special meeting of the board of aldermen by causing a notice of such meeting, specifying the subjects which he desires to have considered, to be left at the usual place of residence of each alderman,

or given to him in hand at least twenty-four hours before the time appointed for such meeting; or in case of emergency, of which he shall be the judge, within such time as he may deem sufficient.

SECTION 18. Whenever there is a vacancy in the office of mayor, or whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to attend to the duties of his office, the president of the board of aldermen, or in the event of his disability through sickness or absence, then the vice president of the board of aldermen shall, as acting mayor, exercise all the rights and powers of the mayor during such vacancy, disability or absence, but shall not make any permanent appointment unless authorized by vote of the board of aldermen.

#### SCHOOL COMMITTEE.

SECTION 19. The management and control of the public schools shall be vested in the school committee, which shall exercise the powers and discharge the duties imposed by law upon school committees. The committee shall consist of the president of the board of aldermen, ex officio, and two members from each ward. The present members shall continue to hold their respective offices according to the tenure thereof, and at the annual city elections the board of aldermen shall provide for the election of members to fill vacancies occurring at the end of the municipal year, so that the term of office of not more than five members, nor the term of office of the two members from any ward, shall expire in the same year. Other vacancies shall be filled as provided by general law.

SECTION 20. The school committee shall meet on the second Monday in January in each year and organize by the election by ballot of one of its members as chairman, and by the election of a secretary, who shall not be one of its members.

SECTION 21. The school committee shall be the judge of the election and qualifications of its members, and shall from time to time make rules for its proceedings. A majority of all the members of the committee shall constitute a quorum for the transaction of business, but a less number may meet and adjourn from time to time.

SECTION 22. The school committee, so far as appropriations are made therefor by the board of aldermen, shall

Vacancy.

School committee, powers, duties, etc.

Organization.

To be judge of election of its members, etc.

Quorum.

To furnish school buildings with fixtures, etc.

To appoint a superintendent, etc.

have full power and authority to furnish all school buildings with proper fixtures, furnishings and equipments. It shall annually appoint a superintendent, who shall not be one of its members, and may also appoint janitors and all officers and employees connected with the schools, fix their compensation, make rules concerning their tenure of office, and discharge them at its pleasure. It shall have the exclusive custody of the school buildings and the power to designate for what purposes the buildings, or any part thereof, shall be used.

Public buildings commissioner to report sanitary condition of school-houses, etc.

SECTION 23. The public buildings commissioner shall, on or before the first day of January and the first day of September of each year, submit in writing to the school committee a report of the sanitary condition of all the schoolhouses, and shall certify as to their safety for occupancy for school purposes. Whenever in the opinion of the school committee a new schoolhouse is required or material alterations are needed, it shall send a written communication to the board of aldermen stating the locality and the nature of the further provisions for schools which are needed; and no schoolhouse shall be located, built or materially altered until the school committee shall have been consulted as to the proposed location and plans and had full opportunity to set forth its requirements.

New school-houses, alterations, etc.

#### DEPARTMENTS AND OFFICERS.

Departments and officers.

SECTION 24. There shall be the following departments and officers : —

I. The assessing department, to be under the charge of the board of assessors.

II. The charity department, to be under the charge of the board of overseers of the poor.

III. The health department, to be under the charge of the board of health.

IV. The law department, to be under the charge of the city solicitor.

V. The fire department, to be under the charge of the chief of the fire department.

VI. The police department, to be under the charge of the chief of police.

VII. The engineering department, to be under the charge of the city engineer, who shall make and have the custody of all plans, surveys, measurements and levels

appertaining to public ways, drains, sewers, water works and lands, and who shall perform such other duties as the board of aldermen may prescribe. Departments and officers.

VIII. The street department, to be under the charge of the street commissioner, who shall have all the powers and duties, not inconsistent with this act, of the surveyors of highways, and shall have charge of the construction, alteration, repair, maintenance, care and management of, — (a) the public ways, sidewalks and bridges, public parks, squares, playgrounds and burial grounds, and the lighting and watering thereof; and, — (b) the public sewers and drains.

IX. The water department, to be under the charge of the water commissioner, who shall have charge of the construction, alteration, repair, maintenance, care and management of the water works.

X. The public buildings department, to be under the charge of the public buildings commissioner, who shall have charge of the construction, alteration, repair and maintenance of the public buildings.

XI. Such other departments and officers to carry out municipal work as the board of aldermen from time to time, by ordinance, shall prescribe.

XII. The city clerk department, to be under the charge of the city clerk.

XIII. The treasury department, to be under the charge of the city treasurer.

XIV. The collecting department, to be under the charge of the city collector.

XV. The auditing department, to be under the charge of the city auditor.

The departments provided for in the first eleven clauses of this section shall be the executive departments. Executive departments.

#### GENERAL PROVISIONS.

SECTION 25. All officers and boards shall, in the exercise of the duties imposed upon them, be deemed to be public officers, and for their acts the city shall not be liable except so far as liability may now exist for the acts of public officers performing the same duties. Certain officers, etc., to be deemed public officers, etc.

SECTION 26. All officers and boards shall, subject to the laws of the Commonwealth relating to the civil service, appoint their subordinates and employees to hold office un- To appoint subordinates, etc.

til they are removed by the officer or board under whom they serve; but all appointments in the police and fire departments shall be approved by the mayor, who shall also have the power of removal in said departments.

To give certain information upon request, etc.

SECTION 27. Any officer or member of a board shall, upon request of the board of aldermen, appear before it and give such information as may be required in relation to his department, and any officer or member of a board who so appears may speak upon all matters under consideration relating to his department.

Making of contracts.

SECTION 28. All officers and boards shall have charge of the making of contracts in their respective departments. Every contract made by any officer or board where the amount involved is five hundred dollars or more shall be in writing, shall be accompanied by a sufficient bond for the faithful performance of the contract, and shall not be deemed to have been made or executed until the approval of the mayor, in writing, is affixed to the contract and the bond, after which they shall be deposited with the city auditor. No such contract shall be altered unless the contractor, the sureties on the bond, if any, the officer making the contract, and the mayor, shall, in writing, agree thereto.

Estimates of expenses, etc.

SECTION 29. The school committee and every officer and board having the expenditure of money shall annually, on or before the first day of October, furnish to the mayor an itemized estimate of the money required for their respective offices and departments during the next financial year. The mayor shall examine such estimates and shall, on or before the first day of November, submit them, with his itemized and detailed recommendations thereon, to the board of aldermen. Said board of aldermen shall, on or before the first day of December in each year, appropriate such amount as may be necessary to meet the expenditure of the following year, and such appropriation shall not thereafter be increased nor any subsequent appropriation made except by a vote of two thirds of all the members, taken by ye and nay. No expenditure of public money from the annual appropriation order shall be authorized except by a vote of a majority of all the members of the board, taken by ye and nay.

Appropriations and expenditures.

No expenditure to be made, etc., beyond amount appropriated, etc.

SECTION 30. No expenditure of public money shall be made by any officer or board, nor liability incurred by or on behalf of the city, beyond the amount duly appropri-

ated therefor contained in the annual appropriation order, or subsequently appropriated and thereafter granted by order of the board of aldermen.

SECTION 31. No public street shall be dug up without first obtaining the written approval of the mayor. No person or corporation, except officers and employees of the executive departments, shall dig up any public street without first furnishing to the street commissioner sufficient security for restoring such street to a condition which shall be satisfactory to said commissioner, and for keeping the street in such condition for six months after the completion of the work.

No public street to be dug up without approval of mayor, etc.

SECTION 32. The board of aldermen may require any officer or other employee to give to the city a bond, with a surety or sureties, for the faithful discharge of his duties, each of said bonds, with its sureties, to be approved in writing by the mayor.

Officers, etc., may be required to give bonds, etc.

SECTION 33. No member or committee of the board of aldermen shall directly or indirectly take part in the employment of labor, the expenditure of public money, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair of any public works or other property, or in the care, custody or management of the same, or in general in the conduct of the executive or administrative business of the city. No member of the executive or legislative department or of the school committee shall appear as counsel before any officer or board of the city.

Not to take part in employment of labor, making of contracts, etc.

SECTION 34. Every person who is elected and every person who is appointed by the mayor to an office shall receive a certificate of such election or appointment from the city clerk, and, except as otherwise provided by law, before performing any act under his election or appointment, shall take and subscribe an oath to qualify him to enter upon his duties. A record of such oath shall be made by the city clerk. Any oath required by this act may be administered by the mayor or any officer authorized by law to administer oaths. Records of transactions of all officers and boards shall be properly kept and shall, subject to such reasonable restrictions as the board of aldermen may prescribe, be open to the inspection of the public.

Every person elected or appointed to receive certificate, etc.

SECTION 35. Provision may be made from time to time by the board of aldermen by ordinance, to be ratified by the voters at a city election, fixing the term of office

Provision may be made fixing the terms of office of mayor and aldermen.

of the mayor, not exceeding three years, and fixing the number of aldermen and their terms of office, not exceeding three years.

Removal from city to create a vacancy in certain offices, etc.

SECTION 36. The removal of a member of the board of aldermen or of the school committee from one ward to another ward in the city shall, at the end of the municipal year but not before, create a vacancy in his office. The removal of the mayor or of a member of the board of aldermen or of the school committee from the city shall create a vacancy in his office.

Filling of vacancies.

SECTION 37. Vacancies shall be filled in the manner of the original election or appointment unless herein otherwise provided. The board of aldermen shall not be required to call an election to fill a vacancy in the office of mayor or alderman within three months of the expiration of the municipal year.

Certain existing ordinances to continue in force.

SECTION 38. The existing ordinances of the city, so far as they are not inconsistent with this act, shall continue in force until amended or repealed by the board of aldermen.

General meetings of qualified voters.

SECTION 39. General meetings of the citizens qualified to vote may be held from time to time, according to the rights secured to the people by the constitution of the Commonwealth; and all such meetings may, and upon the request in writing of fifty qualified voters setting forth the purposes thereof, shall be duly called by the board of aldermen.

When to take effect, etc.

SECTION 40. So much of this act as relates to its submission to the people shall take effect upon its passage. This act shall be void unless the voters of the city of Newton, voting at the next state election, shall determine by a majority of ballots to accept the same; and if so accepted the municipal officers hereinbefore provided for shall be elected at the next following city election; and this act shall take effect for all other purposes on the second Monday of January in the year eighteen hundred and ninety-eight.

Repeal, etc.

SECTION 41. Chapter three hundred and twenty-six of the acts of the year eighteen hundred and seventy-three, being "An Act to establish the city of Newton", chapter two hundred and eighteen of the acts of the year eighteen hundred and seventy-five, being "An Act in addition to an act to establish the city of Newton", chapter two hundred and ten of the acts of the year eighteen hundred and



eighty-two, being "An Act to revise the charter of the city of Newton", chapter forty-four of the acts of the year eighteen hundred and eighty-two, being "An Act to provide for the laying out of public parks and squares in the city of Newton", and all acts and parts of acts inconsistent herewith are hereby repealed, and all ordinances, orders and resolutions, or parts thereof inconsistent with this act, are hereby annulled; but such repeal or annulment shall not affect any right accrued, any penalty or forfeiture incurred, or any suit pending at the time when the repeal takes effect, and all officers now holding office under the provisions of law shall continue to hold such office and exercise the powers thereof until their successors are elected or appointed under the provisions of this act or until they are removed by the mayor.

Repeal, etc.

*Approved April 15, 1897.*

AN ACT RELATIVE TO THE BOUNDARY LINE BETWEEN THE TOWNS OF BOXFORD AND GEORGETOWN. *Chap.284*

*Be it enacted, etc., as follows:*

SECTION 1. So much of the town of Boxford as lies northerly of the following line, namely: — Beginning at a stone marked R. G. B. at a place called the Three Sisters, it being the corner bound of the towns of Rowley, Georgetown and Boxford, thence running north, sixty-five degrees forty-eight minutes thirty-two seconds west, in a straight line for a distance of five thousand four hundred and sixty-six feet, to a stone at an angle in the present line between the towns of Boxford and Georgetown, marked B. G., standing in land formerly of heirs of Solomon Nelson, with all the estates therein, is hereby set off from the town of Boxford and annexed to and made a part of the town of Georgetown.

Boundary line between Boxford and Georgetown.

SECTION 2. This act shall take effect upon its passage.

*Approved April 15, 1897.*

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO TAKE LAND FOR THE BETTER PROTECTION OF ITS WATER SUPPLY. *Chap.285*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Fall River may, for the purpose of providing a reservoir and storage basin for the said city and preserving the purity of the water to be held in

May take certain lands, water rights, etc.

May take certain lands, water rights, etc.

Proviso.

Proceedings for taking property, etc.

the North Watuppa pond and distributed therefrom, and protecting and improving the shores and vicinity thereof, at any time after the passage of this act, take and hold, by purchase or otherwise, any part of and all such real estate, lands and buildings thereon, easements, rights of way, rights of flowage, water rights, water sources, water courses, dams, reservoirs and storage basins in the city of Fall River and the town of Westport, as it may deem advisable, and may lay out, maintain and improve the same for the purposes aforesaid, and may make rules for the use and government of the same, and for breaches of such rules affix penalties, not exceeding twenty dollars for each offence, to be imposed by any court of competent jurisdiction: *provided, however*, that no lands in the town of Westport lying more than five hundred yards from the line of the present high water mark of said pond within said town shall be so taken, and no lands in said town of Westport shall be so taken after the first day of April in the year eighteen hundred and ninety-eight; but where promontories or points of land project into said pond said limit of five hundred yards may be taken to extend from a line drawn across the necks or bases of such promontories or points of land. Said city shall have authority to take any land now used as a highway in the town of Westport and lying within said limit; and in case of such taking said city shall relocate and build suitable and convenient ways in place thereof for the use of the public. All such rights, easements and property, and the fee of such real estate and lands taken or acquired, shall vest in said city. The proceedings for the taking of any property authorized to be taken by this act and for the payment of damages therefor shall be the same as provided in chapter one hundred and fourteen of the acts of the year eighteen hundred and ninety-one relative to the taking of property by the city of Fall River for the purification of its water supply.

SECTION 2. This act shall take effect upon its passage.

*Approved April 15, 1897.*

**Chap. 286** AN ACT TO INCORPORATE THE MASSACHUSETTS STREET RAILWAY ACCIDENT ASSOCIATION.

*Be it enacted, etc., as follows:*

Massachusetts Street Railway Accident Association incorporated.

SECTION 1. William Claffin, Adams D. Claffin, Horace B. Parker, Leonard D. Ahl, William L. Coolidge, Charles H. Richardson, Walter B. Phillips, William H. Coolidge,

Henry N. Rice and Edward A. Clark, their associates and successors, are hereby made a corporation by the name of the Massachusetts Street Railway Accident Association, for the purpose of insuring against loss or damage to any street railway corporation hereafter mentioned from claims for damages on account of injury to persons or on account of death of persons caused by any such street railway corporations; and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in the general laws of this Commonwealth, and in acts in amendment thereof and in addition thereto, in relation to mutual insurance companies, so far as the same shall be applicable.

SECTION 2. Said corporation shall effect insurance only upon business named in section one of this act and shall not do business until its by-laws and form of policy have been submitted to and approved by the insurance commissioner, nor until at least four of the street railway corporations of this Commonwealth shall have applied for insurance therein. It shall insure no corporation whose gross earnings for the year ending on the thirtieth day of September next preceding the application for such insurance exceed the sum of five hundred thousand dollars.

Form of policy, etc., to be approved by insurance commissioner.

SECTION 3. This act shall take effect upon its passage.

*Approved April 15, 1897.*

AN ACT TO PROVIDE FOR A COMMISSION TO DIVIDE THE COUNTY OF SUFFOLK INTO REPRESENTATIVE DISTRICTS.

*Chap. 287*

*Be it enacted, etc., as follows:*

SECTION 1. In the year nineteen hundred and five, and every tenth year thereafter, there shall be elected by the voters of the county of Suffolk at the annual state election, nine commissioners, one of whom shall be a resident of and a voter in the town of Winthrop; one shall be a resident of and a voter in the town of Revere; two shall be residents of and voters in the city of Chelsea; and five shall be residents of and voters in the city of Boston. The election and return of votes for said commissioners shall be in the same manner as for register of deeds for said county. Said commissioners shall hold office for one year, beginning on the first Wednesday of January next after their election. At their first meeting they shall proceed to organize by choosing a chairman, who shall be one of their number, and a clerk. Said commissioners

Commission to divide county of Suffolk into representative districts, election, term, etc.

shall be furnished by the city of Boston with a suitable office and room for hearings, and shall be allowed a sum not exceeding seven hundred dollars for clerk hire, stationery and incidental expenses, which shall be paid by the treasurer of the city of Boston.

Division of  
Suffolk county  
into representa-  
tive districts.

SECTION 2. Within thirty days after the secretary of the Commonwealth shall have certified to said commissioners the number of representatives to which Suffolk county shall be entitled, as determined by the general court, said commissioners shall assemble in the city of Boston and shall proceed as soon as may be to divide the county of Suffolk into representative districts of contiguous territory, so as to apportion the representation of said county as nearly as may be according to the number of legal voters in the several districts, and such districts shall be so formed that no town or ward of a city shall be divided; and no district shall be formed which shall be entitled to elect more than three representatives. The districts, when formed, shall be numbered by the commissioners, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board to the secretary of the Commonwealth, to the city treasurer of the city of Boston, and to the clerk of every town in each district, to be filed and kept in their respective offices.

*Approved April 15, 1897.*

### Chap. 288

#### AN ACT FOR THE BETTER PROTECTION OF FISH AND GAME.

*Be it enacted, etc., as follows:*

Enforcement of  
laws relating to  
inland fisheries  
and game.

SECTION 1. The district police shall have authority to enforce the laws relating to inland fisheries and game, concurrently with the commissioners on inland fisheries and game.

Steamer trans-  
ferred to dis-  
trict police  
department.

SECTION 2. The steamer now owned by the Commonwealth and used by the commissioners on inland fisheries and game in the enforcement of the laws mentioned in section one, is hereby transferred to the district police department for use under the direction of the chief of the district police in enforcing said laws.

Repeal.

SECTION 3. Section two of chapter three hundred and eighty-nine of the acts of the year eighteen hundred and eighty-eight is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

*Approved April 15, 1897.*

AN ACT FOR THE PROTECTION OF SHELLFISH.

*Chap. 289*

*Be it enacted, etc., as follows :*

SECTION 1. No person shall take any shellfish from their beds, or wilfully obstruct the growth of any shellfish, within the towns of Ipswich, Essex or Rowley, except as hereinafter provided.

Taking of shellfish within certain towns restricted.

SECTION 2. The selectmen of any of said towns may give permits in writing to any person to take shellfish from their beds within said town at such times, in such quantities and for such uses as said selectmen shall deem expedient and express in their permits. Said selectmen may refuse to give permits to any person to take said shellfish from their beds for such time as they may deem expedient. But any inhabitant of said towns may without such permit take said shellfish from their beds in the town of which he is an inhabitant, for the use of his family, not exceeding one bushel in any one day, including shells, and any fisherman may without such permit take such shellfish from their beds for bait for his own use, not exceeding one bushel in any one day, including shells.

Selectmen may give permits, etc.

SECTION 3. Whoever violates any of the provisions of this act shall be punished by a fine of not less than ten dollars and not exceeding one hundred dollars, or by imprisonment in the house of correction not exceeding six months. One half of any fine collected under this act shall be paid to the complainant and the other half to the town in which the offence was committed.

Penalty.

SECTION 4. District courts and trial justices shall have concurrent jurisdiction with the superior court of all offences under this act.

Jurisdiction of offences.

SECTION 5. This act shall take effect upon its passage.

*Approved April 21, 1897.*

AN ACT TO AUTHORIZE THE CITY OF LYNN TO BORROW MONEY FOR THE PURPOSE OF PURCHASING LAND AS A SITE FOR A FREE PUBLIC LIBRARY BUILDING.

*Chap. 290*

*Be it enacted, etc., as follows :*

SECTION 1. The city of Lynn, for the purpose of purchasing land whereon to erect a free public library building, in accordance with the bequest of Elizabeth Shute, may incur indebtedness from time to time to an amount not exceeding in the aggregate thirty-five thousand dollars

City of Lynn Library Site Loan, Act of 1897.

beyond the limit of indebtedness fixed by law for said city, and for said purpose may issue from time to time bonds, notes or scrip not exceeding said amount. Such bonds, notes and scrip shall bear on their face the words, City of Lynn Library Site Loan, Act of 1897, shall be payable at the expiration of periods not exceeding twenty years from the date of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the mayor and treasurer of said city. The said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose aforesaid, upon such terms and conditions as it may deem proper. The said city shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually raise by taxation and contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose; and said city shall raise annually by taxation a sum sufficient to pay the interest as it accrues on said bonds, notes and scrip.

Sinking fund.

Disbursement of proceeds.

SECTION 2. The proceeds of said loan shall be disbursed by the treasurer of said city on the order of the mayor and board of library trustees of said city, and not otherwise.

SECTION 3. This act shall take effect upon its passage.

*Approved April 21, 1897.*

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**Chap.291** AN ACT TO CHANGE THE NAME OF THE MERCANTILE LOAN AND TRUST COMPANY.

*Be it enacted, etc., as follows:*

Name changed.

SECTION 1. The name of the Mercantile Loan and Trust Company, incorporated by chapter four hundred and twenty-four of the acts of the year eighteen hundred and eighty-eight, is hereby changed to the Mercantile Trust Company.

SECTION 2. This act shall take effect upon its passage.

*Approved April 21, 1897.*

AN ACT TO PROVIDE A LIEN FOR LODGING-HOUSE KEEPERS ON THE BAGGAGE AND EFFECTS OF LODGERS. *Chap. 292*

*Be it enacted, etc., as follows :*

Section thirty-one of chapter one hundred and ninety-two of the Public Statutes is hereby amended by inserting in the first line, after the word "keepers", the words:— and lodging-house keepers,— by inserting in the second line, after the word "board", the words:— or lodging,— by striking out in the third line, and also in the fourth line, the words "or boarders", and inserting in place thereof, in each case, the words:— boarders or lodgers,— so as to read as follows:— *Section 31.* Boarding-house keepers and lodging-house keepers shall have, for all proper charges due for fare and board or lodging, a lien on the baggage and effects brought to their houses and belonging to their guests, boarders or lodgers, except when such guests, boarders or lodgers are mariners, and such lien may be enforced as provided in the seven preceding sections.

P. S. 192, § 31,  
amended.

Keepers of  
lodging-houses,  
etc., to have  
lien on baggage  
of guests.

*Approved April 21, 1897.*

AN ACT TO AUTHORIZE THE CITY OF LYNN TO INCUR INDEBTEDNESS BEYOND ITS DEBT LIMIT, FOR THE PURPOSE OF BUILDING SEWERS AND DRAINS. *Chap. 293*

*Be it enacted, etc., as follows :*

SECTION 1. The city of Lynn, for the purpose of constructing an extension to the outfall of its sewer system, may incur indebtedness from time to time to an amount not exceeding fifty thousand dollars beyond its debt limit, and for the purpose of building other sewers and drains may incur indebtedness beyond its debt limit to a like amount; and for said purposes may issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate one hundred thousand dollars. Such bonds, notes and scrip shall bear on their face the words, City of Lynn Sewer Loan, Act of 1897, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the mayor and treasurer of said city. Said city may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose of constructing said outfall extension and building sewers and

City of Lynn  
Sewer Loan,  
Act of 1897.

Sinking fund.

drains, upon such terms and conditions as it may deem proper. Said city shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually raise by taxation and contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose; and said city shall raise annually by taxation a sum sufficient to pay the interest as it accrues on said bonds, notes and scrip.

1896, 392, § 2, to apply.

SECTION 2. The provisions of section two of chapter three hundred and ninety-two of the acts of the year eighteen hundred and ninety-six shall apply in all respects to the receipts from assessments and payments made in lieu thereof levied on account of the sewers and drains constructed under this act.

SECTION 3. This act shall take effect upon its passage.

*Approved April 21, 1897.*

### Chap.294

#### AN ACT RELATIVE TO SENTENCES TO THE STATE PRISON.

*Be it enacted, etc., as follows:*

When additional sentences shall take effect.

SECTION 1. When a convict who has been sentenced to the state prison in accordance with chapter five hundred and four of the acts of the year eighteen hundred and ninety-five, receives an additional sentence under said act, such additional sentence shall take effect upon the expiration of the minimum term of the preceding sentence.

Certain convicts to become eligible to receive permit to be at liberty.

SECTION 2. When a convict is held in the state prison upon two or more sentences imposed under said act he shall become eligible to receive a permit as authorized in section two of said act when he has served a term equal to the aggregate of the minimum terms of the several sentences; and he shall be subject to all the provisions of said act until the expiration of a term equal to the aggregate of the maximum terms of said sentences.

*Approved April 21, 1897.*

### Chap.295

#### AN ACT TO LEGALIZE AND CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF MELROSE.

*Be it enacted, etc., as follows:*

Proceedings of town meeting of Melrose confirmed.

SECTION 1. The proceedings of the annual town meeting of the town of Melrose for the year eighteen hundred and ninety-seven shall not be invalid by reason of the fact



that the clerk pro tempore of said meeting was not elected as required by law.

SECTION 2. This act shall take effect upon its passage.

*Approved April 21, 1897.*

AN ACT RELATIVE TO VOTING IN THE CITY OF BOSTON.

*Chap. 296*

*Be it enacted, etc., as follows :*

SECTION 1. The board of election commissioners of the city of Boston shall cause to be prepared books for the registration of the qualified male voters of the city, and the general register of voters prepared by said board in the year eighteen hundred and ninety-six, and the books prepared as aforesaid, shall constitute the general register of voters in said city. Said books shall be ruled in parallel columns, headed and filled out as follows : —

Registration of voters in Boston, etc.

Street.													
Date of Application.	No. of Residence or other Designation, May 1, of the Year of Application.	Name.	Signature.	Residence in City.	Occupation.	Place of Occupation.	Place of Birth.	Court.	Date of Papers.	PERSONAL DESCRIPTION.			Present Residence.
										Age.	Height.	Weight.	

First. Under the column headed "Date of Application", shall be written the month, day and year when the applicant presents himself and is adjudged a qualified voter.

Second. Under the column headed "No. of Residence or other Designation, May 1, of the Year of Application", the name and number of the street, avenue or other location of the dwelling of the applicant on that day, if there is a number, or if there is no number such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined ; in case there is more than one house at the number given by the applicant as his place of residence, in which house he resides, and if there is more than one family residing in said house, he shall state the floor on which he resides.

Third. Under the column headed "Name", shall be written the name of the applicant, giving in full the sur-

Registration of  
voters in Bos-  
ton, etc.

name and the Christian name or the name by which he is generally known, and the initial of every other name which he may have; but the names of all voters residing in the same dwelling shall follow each other and shall be under the street and house number or other description, as provided, of the dwelling.

Fourth. Under the column headed "Signature", the applicant must write his name on a line with the statements as herein set forth.

Fifth. Under the column headed "Residence in City", shall be written the number of months or years stated by the applicant that he has lived therein.

Sixth. Under the columns headed "Occupation", and "Place of Occupation", shall be written a statement giving these facts in full.

Seventh. Under the column headed "Place of Birth", shall be written the name of the city or town, county and state, country, kingdom, empire or domain, where he was born, as stated by the applicant.

Eighth. Under the column headed "Court", shall be written the designation of the court in which, if the applicant is naturalized, such naturalization was had, as shown by the evidence presented.

Ninth. Under the column headed "Date of Papers", shall be written the date of naturalization, if the applicant is naturalized, as shown by the evidence presented by the applicant.

Tenth. Under the column headed "Personal Description", shall be written a statement containing the age, approximate height and weight of the applicant.

Eleventh. Under the column headed "Present Residence", shall be written the residence of the applicant at the date of registration, as stated by him.

Examination of  
applicants, etc.

SECTION 2. An election commissioner or assistant registrar of voters shall, at the times and places fixed for registering voters, examine each applicant for registration under oath as to his qualifications as a voter, and, if he is satisfied that the applicant is a qualified voter, shall immediately in the presence of the applicant enter in the proper columns of said register the above particulars, according to the statements of the applicant; and if at any time prior to any election said board shall be of opinion that there is an error in any of said particulars, the board, after notifying the person by mail, by special delivery, that

he will be heard on a certain day named therein, shall after said day correct such error.

SECTION 3. No person shall, except as provided in section forty-five of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three, have his name entered upon such register unless he shall personally appear before said board or one of said election commissioners or assistant registrars, and be found to be qualified to be registered as a voter; and, if the person is a naturalized citizen, he shall produce his naturalization papers or a certified copy of the record thereof for inspection, and make oath that he is the person named therein as being naturalized. But if there is a record in the office of said board made in the year eighteen hundred and ninety-six, or subsequent thereto, that the naturalization papers of the applicant have once been produced and examined, they shall not be required to be again produced.

Certain persons desiring to be registered to appear in person, etc.

SECTION 4. Said board shall each year after the close of registration and before the annual state election, cause to be made by precincts, from the annual register, street lists of the registered voters of said city to be used as the check lists at elections, every list shall contain not less than two hundred names, and names shall be added to, or taken from such lists, as persons are found to be entitled to vote at the elections, or not to be entitled to vote at the elections, and the lists shall be in the following form: —

Street lists of voters to be made by precincts, etc.

Street or avenue _____			Form of lists.		
NAME OF VOTER.	Residence, Number or other Designation, May 1, of the Year of Election.	Residence in City.	PERSONAL DESCRIPTION.		
			Age.	Height.	Weight.

SECTION 5. Said board shall prepare in pamphlet form, prior to the annual state election and prior to the annual city election, not less than fifty copies of each check list, omitting therefrom everything except the name and residence of the voters, and shall distribute said copies as they may deem best.

Copies of check lists to be distributed, etc.

Voter to write his name upon request.

SECTION 6. Every person upon applying to vote shall, when requested by any election officer, write his name in a book prepared for the purpose, unless the voter declares under oath to the presiding officer that he was a voter before the first day of May in the year eighteen hundred and fifty-seven and cannot read or write, or that by reason of blindness or other physical disability he is unable to write.

Penalty for giving false answer, etc.

SECTION 7. Any person who gives a false answer to any authorized question relating to his registration asked by any commissioner or deputy commissioner, or who attempts to register under any name other than his own, or to otherwise register illegally, or who votes or attempts to vote under any name other than his own, or to otherwise vote illegally, and any election officer who knowingly permits or aids in the violation of any provisions of law relating to registration or election, shall be punished by imprisonment in the state prison for not more than three years, or in the house of correction for not less than six months.

Repeal.

SECTION 8. Chapter five hundred and forty-seven of the acts of the year eighteen hundred and ninety-six, and all acts and parts of acts inconsistent herewith, are hereby repealed.

*Approved April 21, 1897.*

**Chap. 297** AN ACT TO PROVIDE FOR A JAIL AND HOUSE OF CORRECTION IN THE CITY OF FALL RIVER, FOR THE COUNTY OF BRISTOL.

*Be it enacted, etc., as follows:*

County commissioners may take land in Fall River.

SECTION 1. The county commissioners of the county of Bristol are hereby authorized to purchase or otherwise take in fee in the city of Fall River at any time within one year from the passage of this act, sufficient land for the purposes of a jail and house of correction. The order for such taking shall be approved by a board to consist of three residents of the county of Bristol, who shall be appointed by the governor by and with the advice and consent of the council and shall serve without pay. Within thirty days from the approval by said board of such taking the said county commissioners shall file in the registry of deeds for the Fall River district of said county a description of the land so taken sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by said county commis-

Description of land, etc., to be recorded.

sioners; and thereupon the title of the land so taken shall vest in fee in said county of Bristol.

SECTION 2. Said county shall pay all damages sustained by any persons in their property by reason of such taking; and if any person sustaining damage and said commissioners fail to agree as to the amount of damages so sustained, said person or said commissioners may, within one year from such taking, file in the office of the clerk of the superior court for said county of Bristol a petition for a jury to determine such damages; and thereupon, after such notice as said court shall order, the damages shall be determined by a jury in said court, in the same manner as damages for land taken for highways in the city of Fall River, and costs shall be taxed as in civil cases. Damages.

SECTION 3. As soon as may be after the land is acquired, as herein provided, the said county commissioners shall proceed to erect thereon a suitable building for a jail and house of correction, to contain not less than one hundred and fifty separate cells. To erect a building for a jail and house of correction.

SECTION 4. No contract shall be made for the construction of said building until plans, together with detailed estimates of cost from reliable parties who are willing and prepared to furnish bonds with satisfactory sureties for the actual performance of the work and the furnishing of materials for the amount specified in said estimates, have been submitted to and approved by the board designated in section one of this act. And such approval shall not be given to any plans so submitted until said board is fully satisfied that the cost of the building, together with the cost of land, will not exceed the amount of one hundred and thirty thousand dollars. Plans, etc., to be approved.

SECTION 5. The county commissioners, after said plans have been so approved, shall advertise for proposals for said work. Such advertisements shall be published in at least two daily newspapers in the city of Boston, and in at least two daily newspapers in the county of Bristol, for at least two weeks successively prior to the time specified therein for opening said proposals; and said proposals shall not specify any particular party or parties from whom the person receiving the contract shall purchase his material. The contract for said work shall be awarded to the lowest responsible bidder, but shall not be so awarded by the county commissioners until said contracts To advertise for proposals for work, etc.

have been approved by them, said county commissioners having the right to reject any and all bids.

Clause to be  
inserted in  
every contract.

SECTION 6. At the end of every contract awarded under this act shall be inserted the following clause: — But said party of the second part shall not receive any sum in addition to the sum named in this contract for any additional work done or material furnished, or for any other matter or claim whatever, unless before the additional work or material, or matter of the claim, shall be done or furnished, the board constituted by this chapter shall first approve the same and the additional sum or sums to be paid therefor.

Payment of  
expenses.

SECTION 7. In order to meet the expenses incurred under this act the county commissioners may borrow on the credit of said county a sum not exceeding one hundred and thirty thousand dollars. The indebtedness so incurred by said county shall be paid out of the amounts received for taxes as follows: — Fifteen thousand dollars in each of the years eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, and twenty thousand dollars in each subsequent year until the whole indebtedness is paid.

Receiving of  
certain bids to  
be authority to  
borrow money,  
etc.

SECTION 8. The receiving by the county commissioners of bids from responsible parties for the complete construction of the building authorized under this act within a sum which, with the cost of the land purchased or taken under this act, shall not exceed the sum of one hundred and thirty thousand dollars, shall be a condition precedent to the authority of said commissioners to borrow money under this act, except for procuring plans and specifications and for the cost of the land taken or purchased as provided in this act.

Governor to  
issue proclama-  
tion establish-  
ing a jail and  
house of correc-  
tion at Fall  
River.

SECTION 9. When said buildings are ready to be occupied the governor shall issue his proclamation establishing a jail and house of correction at Fall River; and thereafter all laws pertaining to the jails and houses of correction in the several counties of the Commonwealth shall apply to the institution so established at Fall River.

SECTION 10. This act shall take effect upon its passage.

*Approved April 21, 1897.*

AN ACT TO INCORPORATE THE ORANGE AND ERVING STREET RAIL- *Chap. 298*  
WAY COMPANY.

*Be it enacted, etc., as follows :*

SECTION 1. John W. Wheeler, Jay B. Reynolds, Warren M. King, Fred A. Dexter, Edward C. Fowler, Edward A. Goddard, Dwight A. Armstrong, Charles A. Towne, Stephen French, William H. Crowley, George M. Wheeler, Marcus M. Stebbins, Noah Rankin, Edwin Wilber, Henry D. Reynolds, Henry F. Burnett, Charles S. Stone, J. Henry Webster, Solomon H. Amidon, Dennis E. Farley, George E. Monroe, Edson J. Pratt and Thomas O'Keefe, their associates and successors, are hereby made a corporation under the name of the Orange and Erving Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies.

Orange and  
Erving Street  
Railway Com-  
pany incor-  
porated.

SECTION 2. Said company may locate, construct, maintain and operate its railway in such manner as may be convenient and necessary, in part upon private land and upon streets, highways or state roads, in the towns of Orange, Erving and Montague, subject to the approval and under the control of the selectmen of the respective towns, as provided by general laws, and subject also to the approval and consent of the Massachusetts highway commission as to any part of said railway located upon a state highway. The location of said railway outside the public streets and highways shall not exceed fifty feet in width.

May construct,  
etc., its railway  
in certain  
towns.

Location.

SECTION 3. Said company may maintain and operate its railway by any approved power other than steam, and may erect and maintain poles and wires on private lands taken, and, with the consent of the board of selectmen in the respective towns, may erect such poles and wires in the streets and highways as may be necessary to establish and maintain such motive power. It may acquire by purchase or by lease all necessary real estate for its power stations, and for the construction and maintenance of its railway.

Motive power,  
etc.

May acquire  
necessary real  
estate.

SECTION 4. The capital stock of said company shall not exceed seventy thousand dollars, except that said company may increase its capital stock, subject to the provisions of the general laws relative thereto.

Capital stock.

May issue mortgage bonds, etc.

**SECTION 5.** Said company, in order to meet expenses incurred under this act, may issue bonds not exceeding the amount of its capital stock, and payable within a period not exceeding thirty years from the date thereof, secured by mortgage of its franchise and property, subject to the general laws relative thereto, and in such mortgage may reserve to its directors the right to sell or otherwise in due course of business dispose of property included therein which may become unsuitable for use, provided an equivalent in value is substituted therefor.

May carry personal baggage, etc.

**SECTION 6.** Said company is hereby authorized to use its said tracks to carry personal baggage and small parcels over any street or highway or over any private land upon which it may be authorized to construct its tracks as aforesaid, subject to the provisions of chapter seventy-three of the Public Statutes and of all laws relating to common carriers.

Issue of stock or bonds to be approved by railroad commissioners.

**SECTION 7.** No stock or bonds shall be issued under this act until the terms of such issue have been submitted to the board of railroad commissioners and approved by them under the general laws relative to the issue of stock and bonds by railroads and street railways. And if they approve such issue a certificate setting forth such approval shall be executed by said board and filed by said company in the office of the secretary of the Commonwealth.

Portion of road to be put in operation within four years.

**SECTION 8.** The authority herein granted shall cease unless some portion of the proposed road has been built and put in operation within four years from the passage of this act.

**SECTION 9.** This act shall take effect upon its passage.

*Approved April 21, 1897.*

**Chap. 299** AN ACT TO AUTHORIZE THE TAKING OF LAND FOR SCHOOLHOUSES.

*Be it enacted, etc., as follows :*

Cities and towns may take lands for school-houses, etc.

**SECTION 1.** Cities by their city councils, and towns by their selectmen, may take, maintain and hold, in fee, any lands for the erection of a schoolhouse and necessary buildings, or for enlarging a schoolhouse or schoolhouse lot; but the selectmen of towns shall not take any such lands unless previously authorized so to do at some public meeting of the inhabitants of the town regularly warned and notified therefor.

Description of lands, etc., to be recorded.

**SECTION 2.** The city councils of cities and the selectmen of towns shall cause to be recorded in the registry



of deeds for the county or district of the county in which the lands are situated, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, which statement shall be signed by the mayor of the city or by the chairman of the selectmen of the town taking the land as aforesaid, and upon such recording the land so described shall be taken for such city or town.

SECTION 3. The city councils of cities and the selectmen of towns shall estimate and determine as near as may be all damages sustained by any person or corporation by the taking of land, or any right therein, under this act; but any one aggrieved by such determination may have such damages assessed by a jury of the superior court, in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways. If upon trial damages are increased beyond the amount determined as aforesaid the aggrieved party shall recover costs, otherwise such party shall pay costs, and costs shall be taxed as in civil cases; but no suit or petition for such damages shall be brought after the expiration of two years from the date of the recording of the description and statement as aforesaid. Damages.

SECTION 4. The powers conferred upon and the duties to be performed by city councils of cities under this act shall, in the city of Boston, be conferred upon and exercised by the board of street commissioners of said city, with the approval of the mayor. Powers to be exercised by street commissioners in Boston.

SECTION 5. This act shall take effect upon its passage.

*Approved April 21, 1897.*

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AN ACT RELATIVE TO THE USE OF BUILDINGS FOR STABLES.

*Chap. 300*

*Be it enacted, etc., as follows:*

SECTION 1. Section one of chapter eighty-nine of the acts of the year eighteen hundred and eighty-nine is hereby amended by striking out in the second and third lines, the words "first authorized thereto", and inserting in place thereof the words:—such use is authorized,—so as to read as follows:—*Section 1.* No person shall hereafter occupy or use any building in the city of Boston for a stable unless such use is authorized by the board of health of said city, and in such case only to the extent so authorized, provided that this act shall not prevent any such 1889, 89, § 1, amended.

Use of buildings for stables in Boston regulated.

occupation and use authorized by law at the time of the passage of this act, to the extent so authorized.

1892, 419, § 115,  
amended.

SECTION 2. Section one hundred and fifteen of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out in the fourth and fifth lines, the words "without the consent of the mayor and aldermen", and inserting in place thereof the words:—unless such use is authorized by the board of health,—so as to read as follows:—*Section 115.* No building, any part of which is within the limits or within forty feet of the property of any adjoining owner, shall be erected for or converted to use as a stable, unless such use is authorized by the board of health after public hearing had, after written notice to the adjoining owners, and after public notice published at least three times, and at least ten days before the hearing, in at least two newspapers published in Boston.

Use of certain  
buildings as  
stables to be  
authorized by  
board of health.

1896, 213, § 1,  
etc., amended.

SECTION 3. Section one of chapter two hundred and thirteen of the acts of the year eighteen hundred and ninety-five, as amended by chapter three hundred and thirty-two of the acts of the year eighteen hundred and ninety-six, is hereby amended by striking out in the third line, the words "first licensed so to do", and inserting in place thereof the words:—such use is licensed,—so as to read as follows:—*Section 1.* No person shall hereafter erect, occupy or use for a stable any building in any city whose population exceeds twenty-five thousand, unless such use is licensed by the board of health of said city, and in such case only to the extent so licensed.

Use of buildings  
for stables in  
certain cities to  
be licensed.

Authority to  
use a stable in  
Boston.

SECTION 4. In any case in which a person has been or shall hereafter be granted a license or other authority to use a stable on any land in the city of Boston, such authority shall be construed to mean a license or authority to any person thereafter occupying the land, to occupy and use a stable on such land until otherwise ordered by the board of health of said city.

SECTION 5. This act shall take effect upon its passage.

*Approved April 23, 1897.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO PROVIDE SUITABLE ACCOMMODATIONS FOR THE THIRD DISTRICT COURT, AND TO MAKE CERTAIN REPAIRS AND ADDITIONS TO THE COUNTY COURT HOUSE IN THE CITY OF NEW BEDFORD. *Chap.301*

*Be it enacted, etc., as follows :*

SECTION 1. The county commissioners of the county of Bristol are hereby authorized to borrow on the credit of said county a sum not exceeding fifty thousand dollars, to be expended by them in the purchase or lease of such real estate in the city of New Bedford, the erection or alteration of a building thereon, and the suitable furnishing of the same, as shall provide convenient and suitable accommodations for the third district court of Bristol ; and also for making such repairs, alterations and additions to the county court house in the city of New Bedford as in their judgment shall be necessary. County commissioners to provide accommodations for third district court, etc.

SECTION 2. No contract shall be made for the erection, alteration or repair of said buildings until plans, together with the detailed estimate of the cost, from reliable parties who are willing and prepared to furnish bonds with satisfactory sureties for the actual performance of the work and the furnishing of the materials for the amounts specified in said estimates, have been submitted to the board of county commissioners and approved by said board. No contract to be made until plans have been approved, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved April 23, 1897.*

AN ACT TO ESTABLISH A PORTION OF THE BOUNDARY LINE BETWEEN THE TOWNS OF WAREHAM AND MARION. *Chap.302*

*Be it enacted, etc., as follows :*

SECTION 1. The following described line shall hereafter be a part of the dividing line between the towns of Wareham and Marion, to wit :— Beginning at the point of beginning of the line established by chapter forty of the acts of the year eighteen hundred and fifty-nine and therein described as at the junction of Sippican and Weweantit rivers, at a point bearing north, seventy-two and one quarter degrees east, four hundred and twenty-eight feet from a split stone monument marked M on the top, standing on the westerly bank of Sippican river, on land of William Rankin ; thence the line runs Portion of boundary line between Wareham and Marion established.

southeasterly, following the thread of the channel of Weweantit river to its mouth, at a point due south of and eight hundred feet distant from the most southerly point in the mean high water line of Cromeset Neck in Wareham; thence the line runs due east till it intersects a straight line drawn from the most southerly point in the mean high water line of Cromeset Neck to the center of Wing's Neck lighthouse in the town of Bourne; thence southeasterly, in said line from Cromeset Neck to Wing's Neck lighthouse, till it intersects the boundary line between the towns of Wareham and Bourne or said boundary line produced.

Lines to be located and defined by range marks, etc.

SECTION 2. The board of harbor and land commissioners is hereby directed to cause the portion of said lines south and east of the mouth of Weweantit river to be located and defined by range marks placed on the shores, and said towns shall immediately thereafter set suitable granite bounds at the points so marked, the size of said bounds and the inscriptions to be placed thereon to be approved by said board. All expenses incurred in locating and marking said line under the provisions of this act shall be paid by said towns in equal proportions.

SECTION 3. This act shall take effect upon its passage.

*Approved April 23, 1897.*

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**Chap. 303** AN ACT RELATIVE TO UNCLAIMED DEPOSITS AND DIVIDENDS IN INSOLVENCY.

*Be it enacted, etc., as follows:*

1883, 242,  
amended.

SECTION 1. Chapter two hundred and forty-two of the acts of the year eighteen hundred and eighty-three is hereby amended by inserting after the word "declared", in the first line, the words:—or which has become payable to a creditor who has proved his claim under a composition confirmed by the court,—and by inserting after the word "same", in the third line, the words:—or, in a case of composition, the register,—so as to read as follows:—If a dividend, which a court of insolvency has declared, or which has become payable to a creditor who has proved his claim under a composition confirmed by the court, remains for six months unclaimed, the assignee who was ordered to pay over the same, or, in a case of composition, the register, may deposit it in some savings bank or other like institution, or invest it in bank stock or other

Unclaimed dividends may be deposited or invested, etc.

stocks, as the court of insolvency may direct, to accumulate for the benefit of the person entitled thereto. Such deposit or investment shall be made in the name of the judge of the court of insolvency for the time being, and shall be subject to the order of such judge and of his successors in office as hereinafter provided. The person making such deposit or investment shall file in the court of insolvency a memorandum thereof, with the original certificate or other evidences of title thereto, which shall be allowed as sufficient voucher for such payment. When the person entitled to the money deposited satisfies the judge of such court of insolvency of his right to receive the same, the judge shall cause it to be transferred and paid over to him.

Money to be transferred to party entitled to receive it.

SECTION 2. If a sum of money heretofore or hereafter deposited with a register of the court of insolvency to secure the payment of fees, or to carry out a composition confirmed by the court, or any part of said sum, remains unclaimed for one year after the depositor or other person is entitled to receive it, the register may, under the direction of the court, deposit it in some savings bank, or invest it, in the manner set forth in the preceding section, and subject to the provisions thereof.

Money deposited with register may be invested, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved April 23, 1897.*

AN ACT RELATIVE TO SAFE DEPOSIT, LOAN AND TRUST COMPANIES.

*Be it enacted, etc., as follows :*

*Chap. 304*

SECTION 1. Section two of chapter four hundred and thirteen of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out the whole of said section and inserting in place thereof the following:—*Section 2.* The capital stock of every such corporation shall not be less than five hundred thousand dollars nor more than one million dollars, except that in any place the population of which does not exceed one hundred thousand the capital may be not less than two hundred thousand dollars. The capital shall be divided into shares of the par value of one hundred dollars each; and no business shall be transacted by the corporation until the whole amount of its capital stock is subscribed for and actually paid in, and no shares shall be issued until the par value of such shares shall have actually been

1888, 413, § 2, amended.

Capital stock of safe deposit, loan and trust companies.

To file list of stockholders with commissioners of savings banks, etc.

paid in in cash. Before entering upon active business every such corporation shall file with the board of commissioners of savings banks a list of its stockholders, giving the name, residence and post office address of each stockholder and the number of shares of stock held by each, which list shall be verified by the two principal officers of the corporation. Upon receipt of such list the board of commissioners of savings banks shall examine, or cause an examination to be made, in order to ascertain whether the whole capital of such corporation has been paid in in cash; and if it appears from such examination that the capital has not been fully paid in in cash, said board shall not grant a certificate authorizing such corporation to commence business; and no such corporation shall commence business until such certificate has been granted by said board.

1888, 413, § 3, amended.

Officers of corporation.

SECTION 2. Section three of said chapter is hereby amended by adding at the end thereof the following words:—and all such officers shall be sworn to the faithful discharge of their duties,—so as to read as follows:—*Section 3.* The officers of every such corporation shall consist of a president, clerk, or secretary, a board of not less than seven directors, a treasurer or actuary, or both, and such other officers as may be prescribed by its by-laws; and all such officers shall be sworn to the faithful discharge of their duties.

SECTION 3. This act shall take effect upon its passage.

*Approved April 23, 1897.*

**Chap. 305** AN ACT RELATIVE TO THE LIABILITY OF INNOLDERS FOR LOSSES SUSTAINED BY GUESTS.

*Be it enacted, etc., as follows:*

P. S. 102, § 12, etc., amended.

Liability of innholders.

SECTION 1. Section twelve of chapter one hundred and two of the Public Statutes, as amended by chapter three hundred and fifty-eight of the acts of the year eighteen hundred and eighty-five, is hereby amended by striking out in the eighth line, the word “five”, and inserting in place thereof the word:—three,—so as to read as follows:—*Section 12.* No innholder shall be liable for losses sustained by a guest, except losses of wearing apparel, articles worn or carried on the person, personal baggage and money necessary for travelling expenses and personal use; nor shall any such guest

recover of an innholder more than one thousand dollars as damages for any such loss or losses : *provided, however,* Provisos. that an innholder shall be liable in damages to an amount not exceeding three thousand dollars for the loss of money, jewels and ornaments of a guest which have been specially deposited for safe keeping, or offered to be so deposited, with such innholder, person in charge at the office of the inn or other agent of such innholder authorized to receive such deposit ; and *provided, further,* that nothing herein contained shall affect the innholder's liability under the provisions of any special contract for other property deposited with him for safe keeping after being fully informed of its nature and value, nor increase his liability in case of loss by fire or overwhelming force beyond that specified in section fifteen of said chapter.

SECTION 2. This act shall take effect upon its passage.

*Approved April 23, 1897.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT DISTRICT ATTORNEY FOR THE SOUTHERN DISTRICT.

*Chap.306*

*Be it enacted, etc., as follows :*

SECTION 1. The district attorney for the southern district may appoint an assistant district attorney, who shall, under his direction, assist him in the performance of his duties, and shall be removable at his pleasure. The salary of such assistant shall be twelve hundred dollars a year, and at the same rate for any part of a year.

Assistant district attorney may be appointed.

SECTION 2. Chapter four hundred and fifty-seven of the acts of the year eighteen hundred and ninety-three is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved April 23, 1897.*

AN ACT TO INCORPORATE THE MILFORD STEAM HEAT, POWER AND REFRIGERATION COMPANY.

*Chap.307*

*Be it enacted, etc., as follows :*

SECTION 1. Charles W. Shippee, George W. Goddard, Isaac H. Davis, J. Allen Rice, Charles E. Guild, Arthur E. Childs and Charles A. Couch, their associates and successors, are hereby made a corporation under the name of the Milford Steam Heat, Power and Refrigeration Company, for the purpose of manufacturing, buying,

Milford Steam Heat, Power and Refrigeration Company incorporated.

selling, dealing in, conveying, transporting and distributing steam heat, power and refrigeration for manufacturing and other purposes, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Capital stock.

SECTION 2. The capital stock of the company shall be one hundred thousand dollars, divided into one thousand shares of the par value of one hundred dollars each.

May hold real estate.

SECTION 3. Said company may, for the purposes set forth in this act, hold real estate not exceeding in value sixty thousand dollars.

Certificate of payment of capital to be filed, etc.

SECTION 4. Immediately after the payment of the capital of said company a certificate shall be signed and sworn to by its president, treasurer and at least a majority of the directors, stating the fact of such payment, the manner in which the same has been paid in, and the manner in which such capital has been invested or voted by the company to be invested at the time of making the certificate. Such certificate shall be approved by the commissioner of corporations and shall be filed in the office of the secretary of the Commonwealth. A conveyance to the company of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and indorsed with his certificate that he is satisfied that said valuation is fair and reasonable.

May issue mortgage bonds, etc.

SECTION 5. Said company may issue bonds and secure the same by a mortgage upon its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Issue of stock and bonds to be approved by commissioner of corporations, etc.

SECTION 6. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time, upon investigation by the commis-



sioner of corporations, be deemed by him to be reasonably requisite for the purposes to which the proceeds thereof are to be applied. His decision approving such issue shall specify the respective amounts of stock and bonds authorized to be issued, and the purposes to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the certificates of stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

SECTION 7. The company may, for the purposes aforesaid and subject to the conditions hereinafter set forth, lay, construct, maintain, repair and operate a line or lines of mains, pipes or conduits, with the manholes and other apparatus necessary for the operation thereof for the purposes aforesaid, in, along, through, under, across or over any public ways, water courses, railroads, railways, bridges or subways in the town of Milford, and may make such excavations and construct such works as may be necessary for the laying, construction, maintenance, repair, extension, operation and examination of such conduits, pipes, manholes and other apparatus, machinery and works. But nothing herein shall be so construed as authorizing the location by said company of any of its pipes, lines, works, conduits, manholes or machinery in, over or through any public park or common, until said company has first obtained the consent of the park commissioners or other authorities having control of such public parks or common. No conduit, pipe or main shall be laid longitudinally along the location of any steam railroad corporation, nor shall any manhole or other structure be erected within such location, without the consent of the directors of such steam railroad corporation; but the company may lay, construct, maintain and operate its conduits, pipes or mains across or under such location, at such times and under such reasonable regulations and restrictions as the directors of such railroad corporation shall prescribe.

May lay pipes,  
conduits, etc.

SECTION 8. Said company may, for the purposes aforesaid, dig up public ways in the town of Milford: *provided, however*, that said company shall not enter upon or dig up any public ways except upon the approval of the selectmen of said town, after a public hearing by

May dig up  
public ways in  
Milford.  
Provided.

Proviso.

said selectmen, of which hearing at least ten days' notice shall be given by publishing an attested copy of said notice in a newspaper published in said town, or by posting an attested copy in at least five public places in said town. When said company shall desire a location in the streets or public ways of said town it shall apply to the selectmen thereof, stating the streets, ways and lanes in which the company desires to locate its conduit, mains and pipes, and the said company shall put all streets, ways and lanes which are opened by it in as good repair as they were when opened, and to the satisfaction of the selectmen of said town, and upon failure so to do within a reasonable time said company shall be deemed guilty of a nuisance; and no grant made to it shall affect the right or remedy to recover damages for an injury caused to persons or property by the doings of the said company.

Enforcement of provisions, etc.

SECTION 9. The supreme judicial court and any justice thereof, and the superior court and any justice thereof, shall have jurisdiction in equity, on petition of any party interested, to compel compliance with the provisions of this act and to prevent any violations of the provisions thereof.

SECTION 10. This act shall take effect upon its passage.

*Approved April 23, 1897.*

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**Chap. 308** AN ACT TO AUTHORIZE THE HAVERHILL, GEORGETOWN AND DANVERS STREET RAILWAY COMPANY TO CONSTRUCT ITS RAILWAY OVER THE TRACKS OF THE NEWBURYPORT RAILROAD IN MAIN STREET IN GEORGETOWN.

*Be it enacted, etc., as follows :*

1893, 384, § 2,  
amended.

SECTION 1. Section two of chapter three hundred and eighty-four of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting in the eleventh line, after the word "towns", the words:—and said company is hereby authorized to construct and operate its railway over and upon Main street in said Georgetown, where said street crosses the tracks of the Newburyport railroad between the freight and passenger depots in said town, and over and upon said tracks at the same level therewith, upon condition that whenever the grade crossing of said Main street and the tracks of the Newburyport railroad is altered so as to avoid a crossing at grade,

under the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, or of any acts in addition thereto or in amendment thereof, or any special act, said street railway company, its successors or assigns, shall bear and pay ten per cent. of the total cost of such alteration, and the remainder of said cost shall be apportioned as provided in chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, between the Newburyport Railroad Company, the Commonwealth, and the town of Georgetown, and upon further condition that said company shall not hereafter carry on the express business or be a common carrier for the conveyance of goods and parcels, in accordance with the provisions of chapter seventy-three of the Public Statutes, and of all laws relating to common carriers and express companies, — so as to read as follows:— *Section 2.* Said company is hereby authorized to construct and operate a railway, with single or double tracks, and with convenient turn-outs and switches, over and upon any streets or highways in the towns of Danvers, Topsfield, Boxford, Georgetown, that part of the town of Groveland lying south of the Boston and Maine railroad tracks and known as South Groveland, and that part of the town of Bradford lying north of the southerly line of Salem street and east of Main street, as shall from time to time be fixed and determined by the selectmen of the said respective towns; and said company is hereby authorized to construct and operate its railway over and upon Main street in said Georgetown, where said street crosses the tracks of the Newburyport railroad between the freight and passenger depots in said town, and over and upon said tracks at the same level therewith, upon condition that whenever the grade crossing of said Main street and the tracks of the Newburyport railroad is altered so as to avoid a crossing at grade, under the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, or of any acts in addition thereto or in amendment thereof, or any special act, said street railway company, its successors or assigns, shall bear and pay ten per cent. of the total cost of such alteration, and the remainder of said cost shall be apportioned as provided in chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, between the Newburyport Railroad

1893, 384, § 2,  
amended.

Haverhill,  
Georgetown  
and Danvers  
Street Railway  
Company may  
construct and  
operate a rail-  
way in certain  
towns.

May cross  
tracks of New-  
buryport rail-  
road in George-  
town, etc.

May use tracks  
of Lowell, Lawrence  
and Haverhill Street  
Railway Company.

Proviso.

Company, the Commonwealth, and the town of Georgetown, and upon further condition that said company shall not hereafter carry on the express business or be a common carrier for the conveyance of goods and parcels, in accordance with the provisions of chapter seventy-three of the Public Statutes, and of all laws relating to common carriers and express companies. Said Haverhill, Georgetown and Danvers Street Railway Company may, when it has completed five miles of track upon the routes above-described, procure from the Lowell, Lawrence and Haverhill Street Railway Company the right to enter upon and use with its cars the tracks of the Lowell, Lawrence and Haverhill Street Railway Company, through and over Main street in said Bradford from its junction with Salem street, the highway bridge connecting Bradford with the city of Haverhill and Bridge street to the junction of Merrimac, Main and Water streets in said Haverhill, upon such terms and conditions and for such compensation as the two companies may agree upon, subject to the approval of the mayor and aldermen of Haverhill and the selectmen of Bradford and the board of railroad commissioners : *provided*, that the said Haverhill, Georgetown and Danvers Street Railway Company shall not have the right to construct and operate its railway as aforesaid in any part of Main street in said Bradford, nor on said bridge, nor any part of Bridge street in said Haverhill, unless at any time the Lowell, Lawrence and Haverhill Street Railway Company shall not own or control tracks in Bradford on Main street, or on said bridge, or in Haverhill on said Bridge street, or shall unreasonably refuse to grant to the said Haverhill, Georgetown and Danvers Street Railway Company the right to enter upon and use with its cars the tracks of the said Lowell, Lawrence and Haverhill Street Railway Company in the aforesaid Main street and from the junction with Salem street and Bridge street ; but it is expressly provided that if the companies named herein fail to agree upon the amount of the compensation, or upon the terms and conditions mentioned above, the same are to be determined by the board of railroad commissioners ; and if the said Lowell, Lawrence and Haverhill Street Railway Company shall neglect or refuse to abide by the determination of the said board of railroad commissioners, or if at any time the Lowell, Lawrence and Haverhill Street Railway Company shall not own or con-

trol tracks in Bradford on said Main street or on said bridge, or in Haverhill on said Bridge street, or shall unreasonably refuse to enter into such an agreement with the Haverhill, Georgetown and Danvers Street Railway Company, then the latter company may, subject to the approval of the selectmen of Bradford and the mayor and aldermen of Haverhill, extend its tracks and necessary electrical equipment in and through Main street in Bradford, on and over said bridge and into the city of Haverhill to the junction of the streets therein above-named, and operate its cars thereon.

SECTION 2. This act shall take effect upon its passage.

*Approved April 23, 1897.*

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AN ACT TO EXTEND THE TIME WITHIN WHICH THE HAVERHILL, GEORGETOWN AND DANVERS STREET RAILWAY COMPANY MAY CONSTRUCT A PORTION OF ITS RAILWAY. *Chap.309*

*Be it enacted, etc., as follows :*

SECTION 1. Section eight of chapter three hundred and eighty-four of the acts of the year eighteen hundred and ninety-three, as amended by chapter two hundred and forty-three of the acts of the year eighteen hundred and ninety-four, is hereby further amended by striking out in the eighth line, the word "four", and inserting in place thereof the word:—six,—so as to read as follows:—

1893, 384, § 8,  
etc., amended.

*Section 8.* If the provisions of this act shall not be accepted by said company, and if said company shall not build and put in operation some portion of its road in any of said towns within thirty months after the passage of this act, then this act shall be void, and all corporate powers thereunder shall cease; and if there is any portion of said road that is not completed by the building of at least a single line of track within six years from the passage of this act, to that portion said company shall be deemed to have waived its rights, and said rights therein shall thereupon be forfeited and terminated.

Time extended.

SECTION 2. This act shall take effect upon its passage.

*Approved April 23, 1897.*

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AN ACT RELATIVE TO THE CONSTRUCTION, MAINTENANCE AND INSPECTION OF BUILDINGS IN THE CITY OF BOSTON. *Chap.310*

*Be it enacted, etc., as follows :*

SECTION 1. Chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby

1892, 419,  
amended.

Ways of egress  
from certain  
buildings in  
Boston, etc.

amended by inserting after section eighty-one the following section:— *Section 82.* No building two stories or more in height hereafter erected in the city of Boston, and no such building in said city not used at the passage of this act as a schoolhouse, church, theatre, public building, hall, place of assembly or public resort, tenement house, boarding house or lodging house, or as a factory or workshop where ten or more persons are employed, or used above the second story as a dwelling by two or more families, shall be used for any of said purposes unless such building is provided with at least two independent and sufficient ways of egress. One of said ways of egress shall consist of a flight of stairs extending from the lowest to the highest floor, made of fireproof material and enclosed in brick walls, with the enclosed space or stairway provided with a ventilating skylight which can be opened and closed from every floor, and having openings through an external wall to the outer air at least one to each story except the upper and the lower, each opening to have an area of at least five square feet and to be maintained unobstructed: *provided, however, that* when there shall be within the space enclosed by the stairway and its landings from the second story upwards an open area for light and ventilation whose least horizontal dimensions shall be equal to the width of the stairs, but in no case less than three feet, then the aforesaid openings through an exterior wall may be omitted. There shall be no opening upon the stairway except as aforesaid and for said skylight, and for doors from apartments and corridors. The other way of egress shall be a flight of stairs approved by the inspector of buildings, and may project over a public way. Every way of egress from every such building shall be kept in good repair and unobstructed.

Proviso.

Repeal.

SECTION 2. Chapter two hundred and ninety-three of the acts of the year eighteen hundred and ninety-three is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 23, 1897.*

AN ACT TO PROVIDE FOR THE INTEREST AND SINKING FUND REQUIREMENTS OF THE METROPOLITAN PARKS LOANS AND EXPENSES OF THE METROPOLITAN PARK COMMISSION.

*Chap.* 311

*Be it enacted, etc., as follows :*

SECTION 1. The metropolitan park commission, created by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, for the purpose of carrying out the provisions of said act and of all acts in amendment thereof or in addition thereto, including chapters four hundred and eighty-three and five hundred and nine of the acts of the year eighteen hundred and ninety-four, chapter four hundred and fifty of the acts of the year eighteen hundred and ninety-five, and chapter five hundred and fifty of the acts of the year eighteen hundred and ninety-six, may expend the further sum of nine hundred thousand dollars in addition to all sums heretofore authorized to be expended by it; and to meet the expenditures incurred under the authority of this act the treasurer and receiver general shall issue a corresponding amount of scrip or certificates of indebtedness as an addition to the Metropolitan Parks Loan. The sinking fund already established by law shall also be maintained for the purpose of extinguishing scrip, certificates or bonds issued under the authority of this act. Any premium realized on the sale of said scrip, certificates or bonds shall be applied to the payment of the interest on the loan hereby authorized, as it accrues. Said scrip, certificates or bonds shall be issued, and additions to said sinking funds so established shall be assessed and collected, in accordance with the provisions of sections nine, ten, eleven and twelve of said chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, and the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-five and chapter five hundred and fifty of the acts of the year eighteen hundred and ninety-six.

Metropolitan  
Parks Loan.

Sinking fund,  
etc.

SECTION 2. The said metropolitan park commission may, for the purposes of constructing roadways and boulevards under the authority of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four, and of any acts in amendment thereof or in addition thereto, including chapter five hundred and fifty of the acts of the year eighteen hundred and ninety-

Metropolitan  
Parks Loan,  
Series Two.

Sinking fund,  
etc.

six, expend the further sum of one hundred thousand dollars in addition to all sums heretofore authorized to be expended by it for the purposes of constructing said roadways and boulevards; and to meet any expenditure under the authority of this act the treasurer and receiver general shall issue a corresponding amount of scrip or certificates of indebtedness or bonds, as an addition to the Metropolitan Parks Loan, Series Two. The sinking fund already established by law shall also be maintained for the purpose of extinguishing scrip, certificates or bonds issued under the authority of this act. Any premium realized on the sale of said scrip, certificates or bonds shall be applied to the payment of the interest on the loan hereby authorized, as it accrues. Said scrip, certificates of indebtedness or bonds shall be issued and said sinking fund assessed and collected in accordance with the provisions of said chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four and chapter five hundred and fifty of the acts of the year eighteen hundred and ninety-six.

SECTION 3. This act shall take effect upon its passage.

*Approved April 23, 1897.*

**Chap.312** AN ACT MAKING AN APPROPRIATION FOR EXPENSES IN CONNECTION WITH THE GRANT MONUMENT INAUGURAL PARADE.

*Be it enacted, etc., as follows:*

Representation  
of Common-  
wealth at Grant  
monument in-  
augural parade.

SECTION 1. The sum of seventeen thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet expenses incurred in providing for the representation of the Commonwealth at the Grant monument inaugural parade in the city of New York, on the twenty-seventh day of April of the present year, as authorized by chapter forty-five of the resolves of the present year.

SECTION 2. This act shall take effect upon its passage.

*Approved April 23, 1897.*

**Chap.313** AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY, FOR EXPENSES OF NEW NORMAL SCHOOLS, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Be it enacted, etc., as follows:*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Com-



monwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit: —

For establishing and maintaining a museum for the preservation and exhibition of objects connected with the military history of the United States, as authorized by chapter two hundred and four of the acts of the present year, a sum not exceeding fifteen hundred dollars.

Military museum.

To provide for stocking the great ponds of the state with food fish, as authorized by chapter two hundred and eight of the acts of the present year, a sum not exceeding five hundred dollars.

Stocking great ponds with food fish.

For further provision for the protection of the public health in the valleys of the Concord and Sudbury rivers, as authorized by chapter two hundred and thirty-one of the acts of the present year, a sum not exceeding fifteen hundred dollars.

Protection of public health in valleys of Concord and Sudbury rivers.

For the expenses of the board of commissioners for the promotion of uniformity of legislation in the United States, as authorized by chapter two hundred and thirty-two of the acts of the present year, the sum of nine hundred thirty-two dollars and eighty-two cents.

Commissioners for promotion of uniformity of legislation in the United States.

For compiling, indexing and publishing the records of the Massachusetts troops who served in the revolutionary war, as authorized by chapter twenty-two of the resolves of the present year, a sum not exceeding six thousand dollars.

Revolutionary records.

For expenses in connection with locating, defining and marking the boundary line between the Commonwealth of Massachusetts and the state of New York, as authorized by chapter twenty-five of the resolves of the present year, a sum not exceeding four thousand dollars.

Boundary line between Massachusetts and New York.

For the purchase of additional land for the grounds of the new state normal school at Hyannis, as authorized by chapter twenty-nine of the resolves of the present year, a sum not exceeding seven thousand five hundred dollars.

State normal school at Hyannis.

For the Massachusetts Charitable Eye and Ear Infirmary, as authorized by chapter thirty-six of the resolves of the present year, the sum of twenty-five thousand dollars.

Massachusetts Charitable Eye and Ear Infirmary.

For James N. Tolman, as authorized by chapter thirty-eight of the resolves of the present year, the sum of six hundred dollars.

James N. Tolman.

Westborough  
insane hospital.

For completing the new system of drainage at the Westborough insane hospital, as authorized by chapter thirty-nine of the resolves of the present year, a sum not exceeding two thousand dollars.

State normal  
school at  
Bridgewater.

For certain repairs and improvements at the state normal school at Bridgewater, as authorized by chapter forty-one of the resolves of the present year, a sum not exceeding twelve thousand eight hundred and eighty-eight dollars.

State normal  
school at North  
Adams.

For furnishing and equipping the new state normal school at North Adams, as authorized by chapter forty-two of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

State normal  
school at  
Fitchburg.

For completing the grading, furnishing additional apparatus, and equipping the new state normal school at Fitchburg, as authorized by chapter forty-three of the resolves of the present year, a sum not exceeding seventeen thousand dollars.

Harry W.  
Welch.

For Harry W. Welch, as authorized by chapter sixty-four of the resolves of the year eighteen hundred and ninety-six, the sum of three hundred dollars.

Temporary  
quarters for  
senate.

For the payment of certain bills for expenses incurred in providing temporary quarters for the senate, the sum of eight hundred twenty-nine dollars and forty-five cents.

District police  
detailed for ser-  
vice with com-  
missioners on  
inland fisheries.

For travelling expenses of the member of the district police detailed for service with the commissioners on inland fisheries, the sum of one hundred thirty-two dollars and fifty-four cents.

Contested elec-  
tion cases.

For expenses in connection with reporting contested election cases, a sum not exceeding two hundred dollars.

Witnesses be-  
fore committees  
of legislature.

For expenses of summoning witnesses before committees of the present legislature, and for fees of such witnesses, a sum not exceeding three hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Janitors of  
armories.

For compensation of janitors of armories, as authorized by chapter two hundred and fifty-three of the acts of the present year, a sum not exceeding seven thousand dollars.

Messenger in  
department of  
treasurer.

For the compensation of a messenger in the department of the treasurer and receiver general, as authorized by chapter two hundred and fifty-six of the acts of the present year, a sum not exceeding six hundred and seventy-five dollars.

For authorized expenses of committees of the present legislature, to include clerical assistance and services of stenographers to committees authorized to employ the same, also expenses in connection with committee advertising, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated.

Expenses of committees of legislature.

SECTION 2. This act shall take effect upon its passage.

*Approved April 23, 1897.*

AN ACT TO CHANGE THE NAME OF THE SCHOOL FOR CHRISTIAN WORKERS. Chap. 314

*Be it enacted, etc., as follows :*

SECTION 1. The corporation organized under the general laws of this Commonwealth as The School for Christian Workers shall hereafter be known as Bible Normal College, and all its corporate rights and property and all gifts, devises, bequests and conveyances to it by either name, which have been or hereafter may be made, shall vest in said Bible Normal College.

Name changed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 23, 1897.*

AN ACT TO PERMIT STREET RAILWAY COMPANIES TO ALLOW STREET SPRINKLING APPARATUS TO BE USED UPON THEIR TRACKS. Chap. 315

*Be it enacted, etc., as follows :*

SECTION 1. Street railway companies using horses, electricity, or any other motive power in operating their respective roads within the Commonwealth, may allow street sprinkling cars or other similar apparatus to be used upon their tracks, and may furnish the motive power and use of tracks or other facilities, and may make contracts therefor.

May allow street sprinkling cars to be used upon tracks, etc.

SECTION 2. In the city of Boston this act shall be operative only to such extent and subject to such regulations and restrictions as the board of railroad commissioners may approve, having regard to the necessities of public travel.

In Boston regulations to be approved by railroad commissioners.

SECTION 3. This act shall take effect upon its passage.

*Approved April 23, 1897.*

**Chap.316** AN ACT RELATIVE TO THE APPROVAL OF PLANS FOR COUNTY PRISONS.*Be it enacted, etc., as follows :*Plans for  
county prisons  
to be approved  
by commis-  
sioners of  
prisons.

SECTION 1. All plans for the construction of a new jail, house of correction or reformatory, or for the enlargement of any existing jail, house of correction or reformatory, shall be approved by the commissioners of prisons; and no bills for such construction or enlargement shall be incurred or paid until the plans therefor have been formally approved by a majority of said commissioners: *provided, however*, that this act shall not apply to cases where provision is made in any act for the approval of plans by a special board, therein specified, other than the board of county commissioners.

Proviso.

To take effect  
July 1, 1897.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and ninety-seven.

*Approved April 23, 1897.***Chap.317** AN ACT TO PROVIDE FOR CLERICAL ASSISTANCE IN THE OFFICE OF THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF SUFFOLK.*Be it enacted, etc., as follows :*Clerical assist-  
ance.

SECTION 1. The register of probate and insolvency for the county of Suffolk shall be allowed for clerical assistance, in addition to the amount now allowed by law, a sum not exceeding eighteen hundred dollars a year, to be paid from the treasury of the Commonwealth to persons who actually perform the work, upon the certificate of said register, countersigned by a judge of probate and insolvency for said county, that the work has been actually performed by such persons.

SECTION 2. This act shall take effect upon its passage.

*Approved April 23, 1897.***Chap.318** AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF SOMERVILLE.*Be it enacted, etc., as follows :*Justice of  
police court of  
Somerville.

SECTION 1. The salary of the justice of the police court of Somerville shall be two thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1897.*

AN ACT RELATIVE TO THE LAYING OUT AND CONSTRUCTION OF HIGHWAYS IN THE CITY OF BOSTON. *Chap. 319*

*Be it enacted, etc., as follows:*

SECTION 1. The treasurer of the city of Boston, for the purpose of paying the expenses incurred in laying out, locating anew, altering, widening and constructing highways in the city of Boston, under the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and of acts in amendment thereof or in addition thereto, shall from time to time issue and sell negotiable bonds or certificates of said city to the amount of three million dollars in addition to the amounts already authorized for said purposes. The proceeds of said bonds shall be used only for laying out, locating anew, altering, widening and constructing streets fifty feet or less in width, and for constructing sewers in said city estimated to cost not less than four dollars per linear foot.

Treasurer of city of Boston to issue bonds, etc.

SECTION 2. Said bonds shall bear interest payable semi-annually on the first days of January and July of each year; shall be registered or with interest coupons attached; shall be issued for terms of thirty years from their dates; shall be sold and disposed of in such manner and at such times and prices and in such amounts and at such rates of interest, not exceeding four per cent. per annum, as said treasurer with the approval of the mayor shall determine, and shall not be reckoned in determining the limit of indebtedness of said city.

Not to be reckoned in determining debt limit, etc.

SECTION 3. Said treasurer shall hold the proceeds of said bonds in the treasury of said city, and shall pay therefrom the expenses incurred for the purposes aforesaid: *provided, however*, that he shall pay over to the board of sinking funds commissioners of said city any premiums received by him in the sale of said bonds, and said commissioners shall place all amounts so paid by said treasurer in a sinking fund for the payment of the bonds hereby authorized.

Payment of expenses.

Proviso.

SECTION 4. This act shall take effect upon its passage.

*Approved April 29, 1897.*

**Chap.320** AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE BOARD OF POLICE FOR THE CITY OF BOSTON.*Be it enacted, etc., as follows :*

Clerk of board of police for the city of Boston.

SECTION 1. The salary of the clerk of the board of police for the city of Boston shall be two thousand eight hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven, the same to be paid from the treasury of the city of Boston.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1897.***Chap.321** AN ACT TO AUTHORIZE EXECUTORS AND ADMINISTRATORS TO PROVIDE FOR THE PERPETUAL CARE OF BURIAL LOTS.*Be it enacted, etc., as follows :*

Administrators, etc., may provide for perpetual care of burial lots.

SECTION 1. Executors or administrators may pay to cemetery corporations or to cities or towns having burial places therein a reasonable sum of money for the perpetual care of the lot in which the body of their testate or intestate is buried. The probate court shall determine, after notice to all parties in interest, to whom the same shall be paid and the amount thereof, and such sum shall be allowed in final accounts of such executors or administrators.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1897.***Chap.322** AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE DISTRICT COURT OF SOUTHERN BERKSHIRE.*Be it enacted, etc., as follows :*

Clerk of district court of Southern Berkshire.

SECTION 1. The salary of the clerk of the district court of Southern Berkshire shall be seven hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1897.***Chap.323** AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF GAY HEAD AND CHILMARK.*Be it enacted, etc., as follows :*

Boundary line between Gay Head and Chilmark established.

SECTION 1. The boundary line between the towns of Gay Head and Chilmark is hereby established as follows :

— Beginning at a rock on a neck of land known as Nicodemus Neck, near the westward part of Squibnocket pond, — the rock near Smelt creek bearing north, thirty degrees east, and Gull island, a small island in said pond, bearing north, seventy-four degrees east, — the line runs due south across the marsh and beach to the high water mark of the sea or ocean; thence it runs south, sixty-three degrees west, (true meridian), to the exterior line of the Commonwealth. Starting again at the point of beginning on Nicodemus Neck the line runs south, fifty-five degrees west, across Squibnocket pond to a rock on Hillman's Point, so-called, on Squibnocket; thence north, ten and one half degrees east, crossing said pond to the southern end of a stone wall on Nashawaqueedsee, the narrow neck between Squibnocket and Menamsha ponds; thence north, twenty-five degrees east, three rods by said wall; thence north, forty-seven and one half degrees east, sixty-seven rods by said wall and crossing the main road between Chilmark and Gay Head; thence north, twenty-six degrees east, three and three fourths rods by said wall to its northern end by Menamsha pond; thence north, fifty and one fourth degrees east, crossing said Menamsha pond in the direction of a large rock on Pease's Point, so-called, distant about four hundred and fifty rods, until it strikes the middle of the outlet from said pond to the Vineyard Sound; thence by the middle of said outlet to a point distant one hundred and thirty feet and bearing north, forty degrees west, (true meridian), from a stone bound to be placed near the shore on the south side of the old highway which passes by the Tilton house to the shore; thence in the same course north, forty degrees west, one thousand one hundred and seventy feet, passing through a stone bound to be placed on the island which it crosses to a point at or near the high water mark of Vineyard Sound; thence north, twenty-nine degrees west, (true meridian), to the general division line of tide water in Vineyard Sound, as located and defined by the board of harbor and land commissioners, pursuant to chapter one hundred and ninety-six of the acts of the year eighteen hundred and eighty-one; — and the right is hereby granted to either and both the towns of Gay Head and Chilmark to dig, divert and maintain the outlet from Menamsha pond so that the center of its mouth shall be upon the boundary line hereby estab-

Boundary line  
between Gay  
Head and  
Chilmark  
established.

May divert,  
etc., the outlet  
from Menamsha  
pond.

lished, and to dam any other outlet then or thereafter existing.

Locating and marking boundary line, etc.

SECTION 2. The board of harbor and land commissioners is hereby directed to locate and mark the line described in section one by setting stone bounds wherever required; and whenever one or both of said towns or one or more of the inhabitants of said towns will agree, with such sureties as are satisfactory to said board, to close the existing outlet of Menamsha pond and to excavate a new one through the beach on said boundary line, in a location and in a manner to be approved or prescribed by the board of harbor and land commissioners, then said board is authorized and directed to build a suitable protection to the banks on each side of said new outlet and extending into the Vineyard Sound for the purpose of fixing the location of said outlet and there marking said boundary line; and a sum not exceeding two thousand dollars may be expended for the purpose of locating and marking said boundary line in the manner herein provided for.

Plan showing boundary line, etc., to be filed.

SECTION 3. Upon the completion of the work herein provided for said board shall file in the office of the secretary of the Commonwealth and in the registry of deeds for the county of Dukes County a plan showing the boundary line hereby established and the monuments marking the same.

SECTION 4. This act shall take effect upon its passage.

*Approved April 29, 1897.*

**Chap. 324** AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF GLOUCESTER.

*Be it enacted, etc., as follows:*

Justice of police court of Gloucester.

SECTION 1. The salary of the justice of the police court of Gloucester shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1897.*

**Chap. 325** AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF WILLIAMSTOWN.

*Be it enacted, etc., as follows:*

Justice of police court of Williamstown.

SECTION 1. The salary of the justice of the police court of Williamstown shall be six hundred dollars a



year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1897.*

AN ACT RELATIVE TO VOLUNTARY ASSIGNMENTS FOR THE BENEFIT  
OF CREDITORS.

*Chap. 326*

*Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter three hundred and forty of the acts of the year eighteen hundred and eighty-seven is hereby amended by adding at the end of said section the words:—and shall also deposit with the clerk of the city or town in which the principal business of the debtor is carried on a copy of such assignment, which shall be filed and indexed by said clerk; and said clerk shall be entitled to receive therefor a fee of one dollar,—so as to read as follows:—*Section 2.* The trustees named in said assignment shall, before proceeding to act and immediately on the acceptance of their trust, give notice in writing by mail or otherwise, to all known creditors of the debtor, of such assignment and their acceptance thereof, and shall also deposit with the clerk of the city or town in which the principal business of the debtor is carried on a copy of such assignment, which shall be filed and indexed by said clerk; and said clerk shall be entitled to receive therefor a fee of one dollar.

1897, 340, § 2,  
amended.

Trustees to  
notify all known  
creditors, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1897.*

AN ACT RELATIVE TO PROPERTY HELD BY THE METROPOLITAN  
WATER BOARD.

*Chap. 327*

*Be it enacted, etc., as follows:*

SECTION 1. Section thirty of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out the whole of said section and inserting in place thereof the following:—*Section 30.* All general laws relating to the water supplies of cities and towns, and property held for such supplies, including chapter three hundred and fifty-two of the acts of the year eighteen hundred and ninety-three, shall, so far as they are applicable and not inconsistent with the provisions of this act, apply to the metropolitan water supply and the lands held and used

1895, 458, § 30,  
amended.

Certain general  
laws to apply  
to metropolitan  
water supply,  
etc.

by the metropolitan water-board for said water supply, in cities and towns other than the towns of Boylston and West Boylston.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1897.*

**Chap.328** AN ACT RELATIVE TO THE REGISTRATION BY THE CIVIL SERVICE COMMISSIONERS OF APPLICANTS FOR LABOR.

*Be it enacted, etc., as follows :*

Registration of  
applicants for  
labor.

SECTION 1. Applicants for positions in the labor service of the Commonwealth or of the cities thereof shall be allowed to register, to the number of five hundred, on the first Monday of February, May, August, and November in each year, at the places appointed for the registry of such applicants, and any rules heretofore made by the civil service commissioners which are inconsistent with the provision of this act are hereby annulled.

SECTION 2. This act shall take effect upon its passage.

*Approved April 29, 1897.*

**Chap.329** AN ACT TO ESTABLISH THE SALARY OF THE DEPUTY SUPERINTENDENT OF THE REFORMATORY PRISON FOR WOMEN.

*Be it enacted, etc., as follows :*

Deputy superin-  
tendent of  
reformatory  
prison for  
women.

The salary of the deputy superintendent of the reformatory prison for women shall be one thousand dollars a year, to be so allowed from the first day of April in the year eighteen hundred and ninety-seven.

*Approved April 30, 1897.*

**Chap.330** AN ACT TO ESTABLISH A PORTION OF THE BOUNDARY LINE BETWEEN THE TOWNS OF HINGHAM AND COHASSET.

*Be it enacted, etc., as follows :*

Portion of  
boundary line  
between Hing-  
ham and Cohas-  
set established.

SECTION 1. The following described line shall hereafter be a part of the dividing lines between the towns of Hingham and Cohasset, to wit : — Beginning at a stone bound in the present dividing line standing on the northerly side of Turkey Hill lane near the summit of Turkey hill ; thence running north, sixty-seven degrees thirty-seven minutes east, (true bearing), three thousand five hundred and eighty-two feet to a stone bound standing in open cultivated land ; thence running north, three degrees nine minutes west, (true bearing), four hundred

and thirty-eight feet to a stone bound standing on the northerly side of North Main street and the southerly side of the New York, New Haven and Hartford railroad; thence running north, sixty-five degrees two minutes west, (true bearing), two thousand three hundred and twenty-two feet to a stone bound standing on the easterly side of Hull street; thence running in the same straight line to the center of said Hull street in the present dividing line between said towns. The topographical survey commission is hereby directed to file a plan of the said boundary line with the secretary of the Commonwealth. Plan to be filed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 30, 1897.*

AN ACT TO ESTABLISH A PORTION OF THE BOUNDARY LINE BETWEEN THE TOWNS OF HINGHAM AND NORWELL. Chap. 331

*Be it enacted, etc., as follows:*

SECTION 1. The following described line shall hereafter be a part of the dividing line between the towns of Hingham and Norwell, to wit:—Beginning at a stone bound standing on the westerly side of Union street at the corner of the towns of Hingham, Norwell and Scituate, thence running south, sixty-six degrees seventeen minutes west, (true bearing), three thousand nine hundred and thirty-seven feet to a stone bound in the present dividing line standing in an open pasture on the southerly slope of Prospect hill; thence running south, fifty-nine degrees sixteen minutes west, (true bearing), five thousand seven hundred and eighty-three feet to a stone bound in the present dividing line standing in woodland; thence running south, fifty-four degrees forty-one minutes west, (true bearing), five thousand six hundred and seventy-two feet to a stone bound in the present dividing line on the easterly shore of Accord pond. The topographical survey commission is hereby directed to file a plan of the said boundary line with the secretary of the Commonwealth. Portion of boundary line between Hingham and Norwell established.  
Plan to be filed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 30, 1897.*

**Chap.332** AN ACT TO ESTABLISH A PORTION OF THE BOUNDARY LINE BETWEEN THE TOWNS OF COHASSET AND SCITUATE.

*Be it enacted, etc., as follows :*

Portion of  
boundary line  
between Cohas-  
set and Scituate  
established.

SECTION 1. The following described line shall hereafter be a part of the dividing line between the towns of Cohasset and Scituate, to wit : — Beginning at a stone bound standing on the easterly bank of Gulf river, thence running south, sixty-seven degrees forty-nine minutes west, (true bearing), to the present dividing line in Gulf river ; beginning again at said stone bound, thence running north, sixty-seven degrees forty-nine minutes east, (true bearing), five hundred and fifty-five feet to a stone bound standing on the westerly side of Border street ; thence running north, forty-eight degrees forty-seven minutes east, (true bearing), seven hundred and nineteen feet to a stone bound standing on the westerly bank of Bailey's creek and continuing in the same direction to the present dividing line in the center of said creek. The topographical survey commission is hereby directed to file a plan of the said boundary line with the secretary of the Commonwealth.

Plan to be filed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 30, 1897.*

**Chap.333** AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF HINGHAM AND SCITUATE.

*Be it enacted, etc., as follows :*

Boundary line  
between Hing-  
ham and Scitu-  
ate established.

SECTION 1. The following described line shall hereafter be the dividing line between the towns of Hingham and Scituate, to wit : — Beginning at a stone bound standing in woodland at the corner of the towns of Cohasset, Hingham and Scituate, thence running south, fifty-five degrees fifty-one minutes west, (true bearing), three thousand eight hundred and eighty-five feet to a stone bound standing on the westerly side of Union street at the corner of the towns of Hingham, Norwell and Scituate. The topographical survey commission is hereby directed to file a plan of the said boundary line with the secretary of the Commonwealth.

Plan to be filed.

SECTION 2. This act shall take effect upon its passage.

*Approved April 30, 1897.*

AN ACT RELATIVE TO THE APPOINTMENT OF A SEVENTH ASSISTANT CLERK OF THE SUPERIOR COURT, CIVIL SESSION, FOR THE COUNTY OF SUFFOLK. *Chap.334*

*Be it enacted, etc., as follows :*

SECTION 1. The justices of the superior court or a majority of them may appoint a seventh assistant clerk of said court for civil business in the county of Suffolk, who shall be subject to the provisions of law applicable to assistant clerks of courts in said county, and who shall receive in full for all services performed by him an annual salary of twenty-five hundred dollars, to be paid by said county. Seventh assistant clerk may be appointed.

SECTION 2. This act shall take effect upon its passage.

*Approved May 1, 1897.*

AN ACT TO AUTHORIZE THE TOWN OF AMESBURY TO REFUND A PORTION OF ITS INDEBTEDNESS. *Chap.335*

*Be it enacted, etc., as follows :*

SECTION 1. The town of Amesbury, for the purpose of refunding its outstanding note indebtedness, may issue bonds, notes or scrip to an amount not exceeding seventy-one thousand dollars, payable in periods not exceeding fifteen years from the date of issue, and bearing interest payable semi-annually at a rate not exceeding five per cent. per annum. Said bonds, notes or scrip may be sold at public or private sale, and the proceeds thereof shall be used to discharge an equal amount of the existing note indebtedness of said town. The provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto shall, in respect to the establishment of a sinking fund and in all other respects so far as applicable, apply to the indebtedness authorized by this act and the securities issued therefor. May issue bonds, notes or scrip, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 1, 1897.*

AN ACT TO REGULATE THE PRICE TO BE CHARGED FOR WATER BY WATER COMPANIES IN THE METROPOLITAN DISTRICT. *Chap.336*

*Be it enacted, etc., as follows :*

SECTION 1. Section twenty-three of chapter four hundred and eighty-eight of the acts of the year eighteen hun- 1896, 488, § 23, amended.

1895, 488,  
amended.

Use of water  
by certain  
cities, towns  
and water com-  
panies re-  
stricted, etc.

dred and ninety-five is hereby amended by adding at the end thereof the words:—and no such company shall be entitled to charge more for water than a reasonable sum, measured by the price ordinarily charged for a similar service in other cities and towns in the metropolitan district. The selectmen of a town or any persons deeming themselves aggrieved by the price charged for water by any such company may, in the year eighteen hundred and ninety-eight and every fifth year thereafter, apply by petition to the supreme judicial court, asking to have the rate fixed at a reasonable sum, measured by the standard above-specified; and two or more judges of said court, after hearing the parties, shall establish such maximum rates as said court shall deem proper; and said maximum rates shall be binding upon said water company until the same shall be revised or altered by said court pursuant to this act,—so as to read as follows:—*Section 23.* No city or town, any part of which is within ten miles of the state house, or any water company owning a water pipe system in any such city or town shall, except in case of emergency, use, for domestic purposes water from any source not now used by it except as herein provided or as shall be hereafter authorized by the legislature. If any town or towns in said district shall take the franchise, works and property in such town or towns, of any water company, the compensation to be allowed and paid therefor shall not be increased or decreased by reason of the provisions of this act. No town in said water district now supplied with water by a water company owning the water pipe system in such town, shall introduce water from the metropolitan water works until it shall first have acquired the works of such company; and no such company shall be entitled to charge more for water than a reasonable sum, measured by the price ordinarily charged for a similar service in other cities and towns in the metropolitan district. The selectmen of a town or any persons deeming themselves aggrieved by the price charged for water by any such company may, in the year eighteen hundred and ninety-eight and every fifth year thereafter, apply by petition to the supreme judicial court, asking to have the rate fixed at a reasonable sum, measured by the standard above-specified; and two or more judges of said court, after hearing the parties, shall establish such maximum rates as said court shall

deem proper; and said maximum rates shall be binding upon said water company until the same shall be revised or altered by said court pursuant to this act.

SECTION 2. This act shall take effect upon its passage.

*Approved May 1, 1897.*

AN ACT RELATIVE TO THE ISSUE BY RAILROAD AND STREET RAILWAY COMPANIES OF COUPON NOTES AND OTHER EVIDENCES OF INDEBTEDNESS.

*Chap.337*

*Be it enacted, etc., as follows :*

SECTION 1. The provisions of chapter four hundred and sixty-two of the acts of the year eighteen hundred and ninety-four, relative to the issue of bonds by railroad and street railway companies, shall apply to the issue by such companies of coupon notes and other evidences of indebtedness payable at periods of more than twelve months from the date thereof.

1894, 462, to apply to issue of coupon notes, etc.

SECTION 2. No railroad or street railway company, unless expressly authorized so to do by its charter or by special legislative act, shall issue bonds, coupon notes or other evidences of indebtedness payable as aforesaid, to an amount which, including the amount of all such securities previously issued and outstanding, exceeds in the whole the amount of its capital stock at the time actually paid in: *provided*, that this limitation shall not apply to the issue of bonds for the purpose of paying and refunding on their maturity bonds heretofore lawfully issued.

Amount of bonds, etc., not to exceed amount of capital stock in certain cases.

Proviso.

SECTION 3. Nothing herein contained shall affect any notes or other evidences of indebtedness issued by such corporations prior to the passage of this act, or in fulfillment of contracts now existing.

Not to affect certain notes, etc.

*Approved May 3, 1897.*

AN ACT TO INCORPORATE THE GROTON WATER COMPANY.

*Chap.338*

*Be it enacted, etc., as follows :*

SECTION 1. George S. Boutwell, Milo H. Shattuck, Henry W. Whiting, William A. Lawrence, Michael Sheedy, Junior, James Lawrence, F. Lawrence Blood, John Lawrence, Charles H. Dodge, John G. Park, William B. Warren, William A. Moore, Grafton D. Cushing, Frank F. Woods, John H. Robbins, Henry K. Richards and William P. Lawrence, their associates and successors,

Groton Water Company incorporated.

are hereby made a corporation under the name of the Groton Water Company, for the purpose of supplying the town of Groton and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and all other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

May take certain waters, etc.

Provisos.

SECTION 2. Said corporation, for the purposes aforesaid, may take, lease, acquire by purchase or otherwise, and hold the waters of any pond, brook, spring, well or stream within the limits of the said town of Groton, and all the waters connected therewith, and may obtain and take water by means of bored, driven, artesian or other wells on any land within the limits of the said town: *provided*, that no source of water supply shall be taken under this act for domestic purposes without the recommendation and advice of the state board of health. Said corporation may hold, and carry said water through said town, and may also take and hold, by purchase, lease or otherwise, all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town; and may erect on the lands thus taken or held proper dams, buildings, fixtures, reservoirs and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, over and under any lands, water courses, railroads, highways, town ways and public or private ways of any kind, and along such ways in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may enter upon and dig up said lands and any such ways; *provided, however*, that said corporation shall not enter upon or dig up any public ways except upon the approval of the board of selectmen of the town in which such ways are situated, after a public hearing by said board of which at least ten days' notice shall be given by posting an attested copy of said notice in at least five public places in said town, and *provided, further*, that no hear-



ing or notice shall be necessary in cases where said ways are to be entered upon and dug up by said corporation for the purpose of constructing extensions to its plant and repairing and maintaining such conduits, pipes and other works.

SECTION 3. Said corporation shall, within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county and district in which the same are situated a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same are taken, signed by the president of the corporation.

Description of  
lands, etc., to  
be recorded.

SECTION 4. Said corporation shall pay all damages sustained by any person in property by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by said corporation under the authority of this act. Any person sustaining damages as aforesaid under this act, who fails to agree with the said corporation as to the amount of the damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within one year from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of the said one year. No application for the assessment of damages for the taking of any water, water right or water source, or for any injury thereto, shall be made until the water is actually withdrawn or diverted by the said corporation under the authority of this act.

Damages.

SECTION 5. Said corporation may distribute water through the said town of Groton, may regulate the use of said water and fix and collect the rates for the use of the same; and may make all such contracts with said town, or with any fire district that may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishment of fires or for any other purpose, as may be agreed upon by said town, fire district, individual or corporation, and the said corporation; and may establish public fountains and hydrants and relocate and discontinue the same.

Distribution of  
water, etc.

Real estate and  
capital stock.

SECTION 6. Said corporation may, for the purposes set forth in this act, hold real estate not exceeding in value twenty thousand dollars, and the whole capital stock of said corporation shall not exceed sixty thousand dollars, to be divided into shares of one hundred dollars each.

Certificate of  
payment of  
capital to be  
filed, etc.

SECTION 7. Immediately after the payment of the capital stock of said corporation a certificate shall be signed and sworn to by its president, treasurer and at least a majority of the directors, stating the fact of such payment, the manner in which the same has been paid in, and the manner in which its capital has been invested, or voted by the corporation to be invested, at the time of making the certificate. Such certificate shall be approved by the commissioner of corporations and shall be filed in the office of the secretary of the Commonwealth. The conveyance to the corporation of property, real or personal, at a fair valuation, shall be deemed a sufficient paying in of the capital stock to the extent of such value, if a statement is included in the certificate, made, signed and sworn to by its president, treasurer and a majority of its directors, giving a description of such property and the value at which it has been taken in payment, in such detail as the commissioner of corporations shall require or approve, and endorsed with his certificate that he is satisfied that the said valuation is fair and reasonable.

May issue  
mortgage  
bonds, etc.

SECTION 8. Said corporation may issue bonds and secure the same by a mortgage upon its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of said corporation and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Issue of stock  
and bonds to  
be approved by  
commissioner  
of corporations.

SECTION 9. The capital stock and bonds hereinbefore authorized shall be issued only in such amounts as may from time to time, upon investigation by the commissioner of corporations, be deemed by him to be reasonably required for the purposes for which such issue of stock or bonds has been authorized. His decision approving such issue shall specify the respective amounts of stock and bonds authorized to be issued, and the pur-

poses to which the proceeds thereof are to be applied. A certificate setting forth his decision shall be filed in the office of the secretary of the Commonwealth before the stock or the bonds are issued, and the proceeds of such stock or bonds shall not be applied to any purpose not specified in such decision.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Penalty for corruption of water, etc.

SECTION 11. Said town of Groton shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provisions of this act, including in such cost interest on each expenditure from its date to the date of such purchase or taking, at the rate of five per cent. per annum. If the cost of maintaining and operating the works of said corporation exceeds in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost; and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of said corporation shall be annually submitted to the selectmen of the town of Groton, and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness the amount of such indebtedness outstanding at the time of such taking shall be assumed by said town, and shall be deducted from the amount required to be paid by said town to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said town by a two thirds vote of the

Town may take franchise, property, etc.

Statement of receipts and expenditures to be submitted annually, etc.

voters of said town present and voting thereon at a meeting legally called for that purpose.

Groton Water  
Loan.

SECTION 12. Said town of Groton may, for the purpose of paying the cost of said corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred and twenty thousand dollars; such bonds, notes or scrip shall bear on their face the words, Groton Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding six per cent. per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper. Said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

May provide for  
annual pay-  
ments on loan.

SECTION 13. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by the said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Payment of  
expenses, etc.

SECTION 14. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

SECTION 15. Said town shall, after its purchase of said corporate property as provided in this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one for three years, one for two years and one for one year from the next annual town meeting, to constitute a board of water commissioners; and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said town by this act and not otherwise specially provided for shall be vested in the said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may by its vote impose. The said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal meeting called for the purpose.

Water commis-  
sioners, elec-  
tion, terms, etc.

To be trustees  
of sinking fund,  
etc.

SECTION 16. Upon application by the owner of any land, water or water rights taken under this act, the county commissioners for the county in which such land, water or water rights are situated shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but previous to requiring such security said county commissioners shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking; and the said county commissioners shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon or use such land or other property, except for the purpose of making surveys, shall be suspended until it gives the security required.

Security for  
payment of  
damages, etc.,  
required in  
certain cases.

SECTION 17. This act shall take effect upon its passage, and shall become void unless work under this act is begun within three years from the date of its passage.

When to take  
effect.

*Approved May 5, 1897.*

**Chap.339** AN ACT TO REQUIRE BONDS TO BE GIVEN UNDER CERTAIN CONTRACTS MADE BY THE METROPOLITAN WATER BOARD.

*Be it enacted, etc., as follows :*

Bonds to be given under certain contracts made by metropolitan water board.

It shall be the duty of the metropolitan water board in making contracts for the construction of the metropolitan water works to require every employer of labor engaged in the construction of said works to give to each city or town in which such labor may be employed a bond in the penal sum of three thousand dollars, conditioned to save harmless and indemnify such city or town against any loss, expense or charges that said city or town may legally incur because of pauper or indigent employees brought to said town and having no settlement therein.

*Approved May 5, 1897.*

**Chap.340** AN ACT RELATIVE TO THE CONSTRUCTION AND REPAIR OF STATE HIGHWAYS.

*Be it enacted, etc., as follows :*

Construction and repair of state highways.

SECTION 1. The Massachusetts highway commission is hereby authorized to expend a sum not exceeding eight hundred thousand dollars for the construction and repair of state highways, in accordance with the provisions of the statutes relating to and defining the powers and duties of said commission. Said commission may make contracts during the present calendar year for the whole amount hereby authorized to be expended, but the contracts shall be so made that the amount to be paid from the state treasury during the present calendar year shall not exceed six hundred thousand dollars.

Only citizens to be employed.

SECTION 2. No persons except citizens of this Commonwealth shall be employed on the work authorized by this act.

State Highway Loan.

SECTION 3. For the purpose of meeting any expenses which may be incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding eight hundred thousand dollars, for a term not exceeding thirty years. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent. per annum, payable semi-annu-

ally on the first day of April and of October in each year. Such scrip or certificates of indebtedness shall be designated on their face as the State Highway Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth; and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent, and said scrip or certificates of indebtedness shall be sold and disposed of at public auction, or in such other manner, at such times and prices, in such amounts and at such rates of interest, not exceeding the rate above-specified, as shall be deemed best. The sinking fund established by chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Sinking fund.

SECTION 4. This act shall take effect upon its passage.

*Approved May 5, 1897.*

AN ACT TO AUTHORIZE THE TOWN OF LINCOLN TO MAKE AN ADDITIONAL WATER LOAN.

*Chap. 341*

*Be it enacted, etc., as follows:*

SECTION 1. The town of Lincoln, for the purposes mentioned in chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two and subject to its terms and provisions except as herein otherwise provided, may from time to time issue bonds, notes or scrip to an amount not exceeding twenty-five thousand dollars in addition to the amount which the said town has heretofore been authorized to issue for the said purposes. Said bonds, notes or scrip shall bear on their face the words, Lincoln Water Loan; shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum; shall be signed by the treasurer of the said town and countersigned by the selectmen, and may be sold at public auction or private sale.

Lincoln Water Loan.

Payment of  
loan.

SECTION 2. The said bonds, notes or scrip may be made payable in periods not exceeding thirty years from the date of issue; but if not made payable in the manner provided in the following section the said town shall annually raise by taxation a sum sufficient to pay the interest on the said loan as it accrues, and shall establish a sinking fund and contribute thereto an amount raised annually by taxation, sufficient with the accumulations thereof to extinguish the said loan at maturity; and the said sinking fund shall be applied to the payment of the principal of the said loan until the same is discharged and paid, and shall be used for no other purpose. The sinking fund commissioners of the said town shall be trustees of the said sinking fund, and shall report the condition of the same and render an account of their doings in relation thereto annually to the town.

May provide for  
annual pay-  
ments on loan.

SECTION 3. In lieu of providing for the payment of the said bonds, notes or scrip in the manner required by the previous section the town may make any of the issues of such bonds, notes or scrip payable in annual payments of such sums as will in the aggregate extinguish the amount of such issue within a term not exceeding thirty years; and the amount required therefor shall without further vote be assessed in each year thereafter until the debt so contracted shall be extinguished.

Net income and  
receipts to be  
applied to pay-  
ment of inter-  
est, etc.

SECTION 4. The said town shall each year apply the net income and receipts derived from the use of water to the payment of the said interest, and the remainder, if any, of such net income and receipts it shall either apply to the payment of the said bonds, notes or scrip, or it shall pay such remainder into the said sinking fund, and the amount so applied shall be deducted from the sums which would otherwise be required to be raised by taxation. The provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four, as amended by chapter two hundred and sixty-nine of the acts of the year eighteen hundred and ninety-six, shall in all respects, except as otherwise herein provided, apply to the issue of the said bonds, notes or scrip, and to the establishment of a sinking fund for the payment thereof at maturity.

P. S. 29, etc., to  
apply.

SECTION 5. This act shall take effect upon its passage.

*Approved May 6, 1897.*



AN ACT TO ESTABLISH THE COMPENSATION OF DEPUTY SHERIFFS  
FOR ATTENDING SITTINGS OF THE SUPREME JUDICIAL AND SU-  
PERIOR COURTS.

*Chap. 342*

*Be it enacted, etc., as follows :*

SECTION 1. Chapter three hundred and sixty-nine of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out in the third and fourth lines, the words "in all counties where no provision is made for the payment of", and inserting in place thereof the words :— when such deputies do not receive, — so as to read as follows :— The sum to be allowed to deputy sheriffs designated by sheriffs to attend the sittings of the supreme judicial and superior courts, when such deputies do not receive an annual salary, shall be five dollars each for each day's attendance, and travel as now provided by law, which shall be paid from the treasuries of said counties.

1895, 309,  
amended.

Compensation  
of certain  
deputy sheriffs.

SECTION 2. This act shall take effect from the first day of February in the year eighteen hundred and ninety-seven.

To take effect  
from February  
1, 1897.

*Approved May 6, 1897.*

AN ACT RELATIVE TO THE LICENSING OF CONDUCTORS, DRIVERS  
AND DESPATCHERS OF STREET CARS IN THE CITY OF BOSTON.

*Chap. 343*

*Be it enacted, etc., as follows :*

SECTION 1. Section one of chapter fifty-nine of the acts of the year eighteen hundred and seventy-nine, as amended by chapter ninety-nine of the acts of the year eighteen hundred and eighty, is hereby further amended by inserting in the fifth line, after the word "conductors", the word :— motormen, — so as to read as follows :— *Section 1.* The board of police commissioners of the city of Boston shall, upon the recommendation of the president, superintendent, or board of directors of any street railway corporation using the streets of said city, issue licenses from time to time to the conductors, motormen and drivers of the street cars of the said several street railway corporations, and also to the persons employed to start or despatch the cars of said corporations from the stables, stations, depots and other places within said city ; and said board of police commissioners may, after due notice and a hearing, revoke any such license at any time for sufficient cause. Such

1879, 50, § 1,  
etc., amended.

Police commis-  
sioners to  
license con-  
ductors, motor-  
men, etc., of  
street cars in  
Boston.

licenses shall continue and remain in force until surrendered by the licensee or until revoked by said board of police commissioners, and shall contain such provisions and conditions as said board shall determine: *provided, however*, that the fee to be paid for each license shall not exceed the sum of twenty-five cents.

Proviso.

1879, 59, § 3,  
amended.

Police commis-  
sioners to en-  
force laws, etc.,  
relating to use  
of tracks, etc.

SECTION 2. Section three of chapter fifty-nine of the acts of the year eighteen hundred and seventy-nine is hereby amended by striking out the word "horses", in the eighth line, and inserting in place thereof the word: — cars, — so as to read as follows: — *Section 3.* Said board of police commissioners shall require the members of their department to observe and direct the persons licensed under this act, and to cause them to conform to the laws of the Commonwealth, the ordinances of the city of Boston, the regulations of the board of aldermen of said city, and the rules of said board of police commissioners relating to the use of the tracks, the speed of the cars, and especially to the obstructions of public travel, by the management of the street cars; said police officers shall secure the necessary testimony, and shall report to the board of police commissioners every instance of the wilful or persistent violation by any licensee of any such law, ordinance, regulation or rule, or any refusal to obey the request of said officers respecting the management of any street car.

1879, 59, § 4,  
amended.

Penalty for act-  
ing as driver,  
motorman, etc.,  
without a  
license.

SECTION 3. Section four of chapter fifty-nine of the acts of the year eighteen hundred and seventy-nine is hereby amended by striking out the words "drive any horses attached to", in the first and second lines, and inserting in place thereof the words: — act in the capacity of driver or motorman on, — and by inserting after the word "stables", in the third line, the words: — or car houses, — so as to read as follows: — *Section 4.* Any person who shall act in the capacity of driver or motorman on any street car in any street in the city of Boston, except at the stables or car houses of said corporations, or shall act in the capacity of conductor, starter or despatcher at any place within the limits of said city, without being licensed therefor, as herein provided, or who shall act in such capacity in violation of the provisions or conditions, or after the revocation of such license, shall forfeit and pay a sum not exceeding twenty dollars for each offence.

SECTION 4. Section five of chapter fifty-nine of the acts of the year eighteen hundred and seventy-nine, as amended by chapter ninety-nine of the acts of the year eighteen hundred and eighty, is hereby further amended by inserting after the word "driver", in the third line, the word:— motorman,— so as to read as follows:—

1870, 50, § 5,  
etc., amended.

Section 5. No person whose license shall have been revoked pursuant to the provisions of this act, shall be reinstated, or receive a new license as conductor, driver, motorman, starter or despatcher on any street railway in the city of Boston, within a period of two months from the date of the revocation of his license, unless by the assent of said commissioners. *Approved May 6, 1897.*

Not to receive  
new license  
within two  
months of revo-  
cation, etc.

AN ACT RELATIVE TO THE ADULTERATION OF FOOD.

Chap. 344

*Be it enacted, etc., as follows:*

SECTION 1. No person shall within this Commonwealth manufacture for sale, offer for sale, or sell any article of food which is adulterated within the meaning of this act.

Manufacture,  
etc., of adulter-  
ated food pro-  
hibited.

SECTION 2. The term "food", as used herein, shall include all articles used in food or drink by man, whether simple, mixed or compound.

Term "food"  
defined.

SECTION 3. An article shall be deemed to be adulterated within the meaning of this act in the case of food:— 1. If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity. 2. If any inferior or cheaper substance or substances have been substituted wholly or in part for it. 3. If any valuable or necessary constituents or ingredient have been wholly or in part taken from it. 4. If it is in imitation of or is sold under the name of another article. 5. If it consists wholly or in part of a diseased, decomposed, putrid, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in the case of milk, if it is produced from a diseased animal. 6. If it is colored, coated, polished or powdered in such a manner as to conceal its damaged or inferior condition, or if by any means it is made to appear better, or of greater value, than it really is. 7. If it contains any added substance or ingredient which is poisonous or injurious to health: *provided*, that the provisions of this act shall not apply to mixtures or com-

Articles of food  
deemed to be  
adulterated.

Proviso.

pounds recognized as ordinary articles or ingredients of articles of food, if every package sold or offered for sale is distinctly labelled as a mixture or compound, with the name and per cent. of each ingredient therein, and if such mixtures or compounds are not injurious to health.

Certain canned articles of food to be marked to indicate grade, etc.

SECTION 4. No person shall offer for sale any canned articles of food after the first day of January in the year eighteen hundred and ninety-eight, except goods packed prior to the passage of this act, unless such articles bear a mark to indicate the grade or quality thereof, together with the name and address of the person, firm or corporation which packed the same, or of the dealer who sells the same.

Certain canned articles of food to be marked "Soaked," etc.

SECTION 5. All canned articles of food prepared from dried products which have been soaked before canning shall be plainly marked by an adhesive label, having on its face the word "Soaked", in letters not less in size than two line pica, of legible type; and all cans, jugs and other packages containing maple syrup or molasses shall be plainly marked by an adhesive label, having on its face the name and address of the person, firm or corporation which made or prepared the same, together with the name and quality of the ingredients of the goods, in letters of the size and description above-specified.

Penalty for falsely stamping or labelling cans, etc.

SECTION 6. Any person, firm or corporation falsely stamping or labelling any cans, jars or other packages, containing fruit, or food of any kind, or knowingly permitting such false stamping or labelling, and any person, firm or corporation violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than one hundred dollars in the case of vendors, and in the case of manufacturers and those falsely or fraudulently stamping or labelling such cans, jars or other packages, by a fine of not less than one hundred dollars nor more than five hundred dollars.

Repeal.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved May 6, 1897.*

### Chap. 345

AN ACT TO AUTHORIZE THE FARMINGTON RIVER WATER POWER COMPANY TO INCREASE ITS WATER SUPPLY.

*Be it enacted, etc., as follows:*

Powers extended.

SECTION 1. The powers granted to the Farmington River Water Power Company by chapter one hundred

and thirty-four of the acts of the year eighteen hundred and sixty-seven, in respect to building, erecting and maintaining reservoirs on the Farmington river and its tributaries in the town of Otis, shall extend to all parts of said river and its tributaries, whether situated within or without the limits of said town.

SECTION 2. Said corporation may erect and maintain dams in such places as it shall deem requisite for said purposes, upon and across said streams, and may take land not appropriated to public uses necessary therefor, by filing in the registry of deeds for the district where the land lies a description thereof, with a statement of the purpose for which the same was taken, signed by the president of the corporation. Any damages caused by such taking shall be paid by said corporation within thirty days after the same are determined, and if said corporation fails to agree upon such damages with the owner the same may be assessed and determined in the manner provided by law in the case of the taking of lands for laying out town ways, upon application of either party therefor, made within three years from the time of the filing of the description aforesaid. If the damages so awarded exceed the amount tendered to the owner as compensation before the filing of the application for a jury he shall recover his costs, otherwise the said corporation shall recover costs.

May erect dams,  
take land, etc.

Damages.

SECTION 3. Said corporation may increase or reduce its capital stock within the limits and in the manner provided in chapter one hundred and six of the Public Statutes and acts in amendment thereof: *provided*, that the total shall not exceed three hundred thousand dollars; and may hold for the purposes aforesaid real estate not exceeding in value three fourths of the par value of its capital stock as increased or reduced.

May increase or  
reduce capital  
stock.

Proviso.

SECTION 4. This act shall take effect upon its passage.

*Approved May 6, 1897.*

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AN ACT RELATIVE TO THE CONSTRUCTION OF THE APPROACHES TO  
THE NEW CHARLESTOWN BRIDGE IN THE CITY OF BOSTON.

*Chap. 346*

*B. it enacted, etc., as follows:*

SECTION 1. The treasurer of the city of Boston shall from time to time on the request of the mayor of said city, issue and sell negotiable bonds or certificates of said city to an amount not exceeding the sum required for carrying

May issue  
bonds, etc.

May issue  
bonds, etc.

out any order of the board of street commissioners of said city laying out, locating anew, altering, widening, and requiring the construction of Charlestown street, from Haymarket square to Causeway street in said city, as one of the approaches to the new bridge now being constructed by the Boston transit commission between Boston and Charlestown. Said bonds or certificates shall be issued as a part of, and in addition to, and in the same manner as, the bonds or certificates issued under the authority of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof or in addition thereto, and the provisions of said acts, so far as applicable, shall apply to the carrying out of the provisions of this act.

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1897.*

**Chap. 347**

AN ACT RELATIVE TO THE BOSTON TRANSIT COMMISSION.

*Be it enacted, etc., as follows :*

May transfer  
certain land to  
city of Boston.

SECTION 1. The Boston transit commission may transfer to the city of Boston, to be used for a market or other public purposes, so much of the land taken by it between Haverhill and Canal streets as said commission and the mayor of said city may agree upon.

Treasurer of  
city to issue  
bonds, etc.

SECTION 2. In order that the debt created for the construction of the subways by said commission may be limited as nearly as possible to the net cost thereof the treasurer of said city shall from time to time on the request of said commission, approved by the mayor, issue bonds of said city, which shall not be considered in determining the debt limit, to the amount determined by said commission, with the approval of the mayor, to be the value of the real estate transferred to said city as hereinbefore provided, and shall sell the same and hold the proceeds thereof for the construction of said subway; and the seven million dollars authorized for constructing said subways shall be reduced by the amount so issued.

SECTION 3. This act shall take effect upon its passage.

*Approved May 6, 1897.*

AN ACT TO AUTHORIZE THE TOWN OF WATERTOWN TO ELECT A *Chap.348*  
BOARD OF WATER COMMISSIONERS.

*Be it enacted, etc., as follows :*

SECTION 1. The town of Watertown shall, in case it decides to purchase the franchise and property of the Watertown Water Supply Company in said town, as provided in section nine of chapter two hundred and fifty-one of the acts of the year eighteen hundred and eighty-four, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the said town by said act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote; and said commissioners shall be trustees of the sinking fund and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

Water commis-  
sioners, elec-  
tion, terms, etc.

Vacancy.

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1897.*

AN ACT RELATIVE TO THE ENFORCEMENT OF THE LAWS RELATING TO THE INSPECTION AND SALE OF DAIRY PRODUCTS AND IMITATIONS THEREOF. *Chap.349*

*Be it enacted, etc., as follows :*

SECTION 1. Municipal, district and police courts and trial justices shall, in their respective districts, concurrently with the superior court, have jurisdiction of cases arising under the provisions of all laws relating to the inspection and sale of dairy products and imitations thereof, and may impose the penalties prescribed for the violation of such laws.

Jurisdiction of  
cases.

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1897.*

**Chap.350** AN ACT RELATIVE TO THE AGENTS OF THE COMMISSIONERS OF PRISONS.

*Be it enacted, etc., as follows :*

Agents of commissioners of prisons, appointment, etc.

SECTION 1. The commissioners of prisons may employ three agents at a salary of twelve hundred dollars a year each; and said commissioners may also employ an agent at a salary of sixteen hundred dollars a year, who in addition to his other duties shall assist the secretary. The appointments named in this section shall be in place of those authorized by section twenty-six of chapter two hundred and nineteen of the Public Statutes and chapter three hundred and fifteen of the acts of the year eighteen hundred and eighty-seven.

Agent for aiding discharged female prisoners.

SECTION 2. The salary of the agent for aiding discharged female prisoners shall be one thousand dollars a year.

SECTION 3. This act shall take effect upon its passage.

*Approved May 6, 1897.*

**Chap.351** AN ACT RELATIVE TO CLERICAL SERVICE IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

*Be it enacted, etc., as follows :*

Chief of the Archives Division.

SECTION 1. The designation of the third clerk in the office of the secretary of the Commonwealth is hereby changed to Chief of the Archives Division; and the compensation of said officer shall be at the rate of two thousand dollars per annum, to date from the first day of January in the year eighteen hundred and ninety-seven.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

*Approved May 6, 1897.*

**Chap.352** AN ACT TO PROVIDE FOR THE CONTINUANCE OF THE OLD COLONY COMMISSION.

*Be it enacted, etc., as follows :*

Old Colony Commission, appointment, duties, etc.

SECTION 1. The governor, by and with the advice and consent of the council, shall appoint three discreet persons to be known as the Old Colony Commission, who shall hold office for three years from the date of the passage of this act. Said commission shall perform the duties relative to identifying and marking spots of historic interest which are prescribed in chapter four hundred and seventy-



two of the acts of the year eighteen hundred and ninety-five, and in general shall continue the work of the commission appointed under said act. The commission appointed under this act may employ such assistants as it deems necessary, and may expend in the discharge of its duties the sum of five hundred dollars, but shall not incur any expense in excess of said sum unless said additional expense is first approved by the governor and council. The members of said commission shall receive no compensation for their services.

May employ assistants, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1897.*

AN ACT TO CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF WILBRAHAM.

*Chap. 353*

*Be it enacted, etc., as follows :*

SECTION 1. The proceedings of the annual town meeting of the town of Wilbraham, held on the fifth day of April in the year eighteen hundred and ninety-seven, relating to the annual appropriations voted at said meeting, shall not be invalid by reason of the failure to insert in the warrant for said meeting an article containing the subject-matter of said vote; and the proceedings of said meeting in making said appropriations, so far as affected by said omission in said warrant, are hereby ratified, confirmed and made legal.

Proceedings of town meeting of Wilbraham confirmed.

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1897.*

AN ACT TO AUTHORIZE THE TOWN OF PALMER TO REFUND A PORTION OF ITS NOTE INDEBTEDNESS.

*Chap. 354*

*Be it enacted, etc., as follows :*

SECTION 1. The town of Palmer, for the purpose of refunding its note indebtedness to the amount of forty thousand dollars, is hereby authorized to issue bonds to an amount not exceeding forty thousand dollars. Such bonds shall be payable at the expiration of twenty years from the date of issue, shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually; and shall be signed by the treasurer and countersigned by the selectmen or a majority thereof. Said town may sell said bonds or any part thereof at public or private sale: *provided, however,* that the same shall not be

Town of Palmer may issue bonds, etc.

Provido.

Sinking fund.

sold for less than the par value thereof. The proceeds of the sale of said bonds issued by virtue of this act shall be applied by the treasurer of said town to the payment of the notes of said town at present outstanding, but no purchaser shall be responsible for the application of the proceeds. The said town shall at the time of authorizing the issue of said bonds provide for the establishment of a sinking fund and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said indebtedness at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

May provide  
for annual pay-  
ments on loan.

SECTION 2. Said town instead of establishing a sinking fund may at the time of authorizing the issue of said bonds provide for the payment thereof in annual payments of such amounts as will in the aggregate extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

SECTION 3. This act shall take effect upon its passage.

*Approved May 6, 1897.*

### *Chap. 355*

#### AN ACT RELATIVE TO STATE HIGHWAYS.

*Be it enacted, etc., as follows:*

1894, 497, § 2,  
amended.

SECTION 1. Section two of chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four is hereby amended by inserting after the word "file", in the fifth line of said section, the words:—a certified copy of,—and by striking out the last sentence of said section and inserting in place thereof the words:—No opening shall be made in any such road, nor any structure placed therein, nor shall there be made any change or removal of structures already placed therein, except with the approval of and in accordance with a permit from said commission, which shall exercise complete and permanent jurisdiction over state highways,—so as to read as follows:—*Section 2.* Said highway commission shall consider such petition and determine what the public necessity and convenience require in the premises,

Proceedings of  
highway com-  
mission upon  
petition, etc.

and, if they deem that the highway should be laid out or be taken charge of by the Commonwealth, shall file a certified copy of a plan thereof in the office of the county commissioners of the county in which the petitioners reside, with the petition therefor and a certificate that they have laid out and taken charge of said highway in accordance with said plan, and shall file a copy of the plan and location of the portion lying in each city or town in the office of the clerk of said city or town, and said highway shall, after the filing of said plans, be laid out as a highway, and shall be constructed and kept in good repair and condition as a highway by said commission, at the expense of the Commonwealth, and shall be known as a state road, and thereafter be maintained by the Commonwealth under the supervision of said commission. No opening shall be made in any such road, nor any structure placed therein, nor shall there be made any change or removal of structures already placed therein, except with the approval of and in accordance with a permit from said commission, which shall exercise complete and permanent jurisdiction over state highways.

Proceedings of highway commission upon petition, etc.

SECTION 2. Section four of said chapter four hundred and ninety-seven is hereby amended by inserting after the word "thereby", in the thirty-third line, the words: — The commission shall also have power to contract in the manner and under the conditions hereinbefore specified with a city or town, or with private bidders when a city or town shall not elect so to contract, for the grading of a state highway, or for furnishing materials or any other element in the construction of such highway, — so as to read as follows:— *Section 4.* Said commission shall, when about to construct any highway, give to each city and town in which said highway lies a certified copy of the plans and specifications for said highway, with a notice that said commission is ready for the construction of said road. Such city or town shall have the right, without advertisement, to contract with said commission for the construction of so much of such highway as lies within its limits, in accordance with the plans and specifications, and under its supervision and subject to its approval, at a price agreed upon between said commission and said city or town. If said city or town shall not elect to so contract within thirty days said commission shall advertise in two or more papers published in the county where the

1894, 497, § 4, amended.

Construction of highways, notice to cities and towns, bids, proposals, etc.

Construction of highways, notice to cities and towns, bids, proposals, etc.

road or portion of it is situated, and in three or more daily papers published in Boston, for bids for the construction of said highway under their supervision and subject to their approval, in accordance with plans and specifications to be furnished by said commission. Such advertisement shall state the time and place for opening the proposals in answer to said advertisements, and reserve the right to reject any and all proposals. All such proposals shall be sealed and shall be kept by the board, and shall be open to public inspection after said proposals have been accepted or rejected. Said commission may reject any or all bids, or if a bid is satisfactory they shall, with the approval of the governor and council, make a contract in writing on behalf of the Commonwealth for said construction, and shall require of the contractor a bond for at least twenty-five per cent. of the contract price to indemnify any city or town in which such highway lies, against damage while such road is being constructed; and the Commonwealth shall not be liable for any damage occasioned thereby. The commission shall also have power to contract in the manner and under the conditions hereinbefore specified with a city or town, or with private bidders when a city or town shall not elect so to contract, for the grading of a state highway, or for furnishing materials or any other element in the construction of such highway. All construction of state roads shall be fairly apportioned by said commission among the different counties, and not more than ten miles of state road shall be constructed in any one county in any one year on petition as aforesaid, without the previous approval thereof in writing by the governor and council.

Construction to be apportioned among the different counties, etc.

1896, 513, § 1, amended.

Road machines to be furnished at the expense of the Commonwealth for use in certain counties, etc.

SECTION 3. Section one of chapter five hundred and thirteen of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 1.* Upon the application to the Massachusetts highway commission of the county commissioners of any county, made at the request of any town of not more than twelve thousand inhabitants within said county, there shall be furnished by said highway commission to said county, at the expense of the Commonwealth, such steam rollers, portable stone crushers, and other road machines as the said highway commission may deem necessary for the construction and maintenance of better roads

in the county from which such a request comes. Such machines shall remain the property of the Commonwealth and shall be managed and maintained under the direction of the county commissioners, and they shall at all times be cared for in a manner satisfactory to the highway commission. The county commissioners shall engage competent engineers and skilled mechanics to operate said machines, who shall be paid from the county treasury such sums for each day's actual services as the county commissioners may determine. The expenses so incurred shall be repaid to the county by the Commonwealth or by the towns using said machines, as apportioned by the county commissioners, in proportion to the time during which such machines were used by such towns. Whenever any part of a state highway shall have been constructed in a county where there is road machinery purchased under the provisions of this act the highway commission shall have the right to use said machinery at such times as said road machinery is not in use by any town, for the maintenance and repair of such highway.

Machines to remain the property of the Commonwealth, etc.

SECTION 4. The provisions of section one of chapter five hundred and forty-one of the acts of the year eighteen hundred and ninety-six shall apply to the repair of a state highway as well as to the construction thereof.

1896, 541, § 1, to apply to repair of a state highway.

SECTION 5. All payments made to the Commonwealth under the provisions of said chapter five hundred and forty-one shall be credited to the fund for the construction of state highways: *provided*, that such a fund exists at the time the payment is made, otherwise they shall be credited to the general fund of the Commonwealth.

Payments to be credited to fund for construction of state highways.

Proviso.

*Approved May 6, 1897.*

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE MUNICIPAL COURT OF THE ROXBURY DISTRICT OF THE CITY OF BOSTON.

*Chap. 356*

*Be it enacted, etc., as follows:*

SECTION 1. The salary of the justice of the municipal court of the Roxbury district of the city of Boston shall be three thousand dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven.

Justice of municipal court of Roxbury district.

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1897.*

**Chap. 357** AN ACT RELATIVE TO ARBITRATION UNDER THE MASSACHUSETTS  
STANDARD FIRE INSURANCE POLICY.

*Be it enacted, etc., as follows :*

1894, 522, § 60,  
etc., amended.

Appointment  
of referees in  
case of loss  
under fire in-  
surance policy.

SECTION 1. The closing paragraph of section sixty of chapter five hundred and twenty-two of the acts of the year eighteen hundred and ninety-four, as amended by chapter one hundred and thirty-seven of the acts of the year eighteen hundred and ninety-six, is hereby amended by striking out in the fourth line, the words "if", and "not", and by striking out in the ninth line, the words "if also", and in the tenth line, the word "not", and in the thirteenth line, the words "it shall be deemed to have waived", and by striking out the fourteenth, fifteenth and sixteenth lines, so that said closing paragraph of said section shall read as follows:—In case of loss under any fire insurance policy, issued on property in this Commonwealth, in the standard form above set forth, and the failure of the parties to agree as to the amount of loss, the insurance company shall, within ten days after a written request to appoint referees under the provision for arbitration in such policy, name three men under such provision, each of whom shall be a resident of this Commonwealth and willing to act as one of such referees; and such insurance company shall, within ten days after receiving the names of three men named by the insured under such provision, make known to the insured its choice of one of them to act as one of such referees. And in case of the failure of two referees, chosen, respectively, by the insurance company and the insured, to agree upon and select within ten days from their appointment a third referee willing to act in said capacity, either of the parties may within twenty days from the expiration of said ten days make written application, setting forth the facts, to the insurance commissioner to appoint such third referee; and said commissioner shall thereupon make such appointment and shall send written notification thereof to the parties. In every case of the appointment by the insurance commissioner of said third referee the insuring company or companies shall withhold from the amount of the award rendered one half of the compensation and expenses of said referee, and the said company or companies shall thereupon be obligated to pay to the said referee the full amount of the expenses for such reference.

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1897.*

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE FOURTH DISTRICT COURT OF EASTERN MIDDLESEX. *Chap.358*

*Be it enacted, etc., as follows :*

SECTION 1. The salary of the justice of the fourth district court of eastern Middlesex shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven. Justice of fourth district court of eastern Middlesex.

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1897.*

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE POLICE COURT OF SPRINGFIELD. *Chap.359*

*Be it enacted, etc., as follows :*

SECTION 1. The salary of the justice of the police court of Springfield shall be two thousand two hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven. Justice of police court of Springfield.

SECTION 2. This act shall take effect upon its passage.

*Approved May 6, 1897.*

AN ACT TO ESTABLISH THE COMPENSATION OF THE SPECIAL JUSTICES OF THE MUNICIPAL COURT OF THE CITY OF BOSTON. *Chap.360*

*Be it enacted, etc., as follows :*

SECTION 1. The compensation of each of the special justices of the municipal court of the city of Boston shall be fifteen dollars for each day's service. Special justices of municipal court of Boston.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

*Approved May 6, 1897.*

AN ACT TO CONSOLIDATE THE BOARD OF ALDERMEN AND THE COMMON COUNCIL AND TO REORGANIZE THE CITY GOVERNMENT OF THE CITY OF BOSTON. *Chap.361*

*Be it enacted, etc., as follows :*

SECTION 1. There shall be elected by the registered voters of the city of Boston at every annual municipal election, under the same provisions of law so far as applicable as those under which the mayor of said city is now elected, a president of the city council for the term of one year. President of city council of Boston, election, etc.

Aldermen at large, election, etc.

SECTION 2. There shall also be elected, as aforesaid, at said election in the current year, twelve aldermen at large, six for the term of two years and six for the term of one year, and at every subsequent annual municipal election there shall be elected as aforesaid six aldermen at large for the term of two years, and such other aldermen at large for the unexpired balances of terms as may be necessary to fill vacancies.

Ward aldermen, election, etc.

SECTION 3. There shall also be elected by the registered voters of each of the twenty-five wards of said city at every annual municipal election, under the same provisions of law so far as applicable as those under which members of the common council of said city are now elected, one ward alderman for the term of one year.

City council.

SECTION 4. The president, twelve aldermen at large and twenty-five ward aldermen, elected as aforesaid, shall sit and act as one legislative body, and shall constitute the city council of the city of Boston. The term of each of said members of the city council shall begin with the first Monday of January next following his election, and on said day the members elect shall meet and be sworn as now provided for members elect of the city council of said city.

Nominations by political parties.

SECTION 5. A political party entitled to make nominations to be placed on the official election ballot may make nominations for president of the city council, aldermen at large, and ward aldermen, to be placed on such ballot, only by direct plurality vote at party caucuses held in the several wards; nominations for president of the city council, or for aldermen at large, to be placed on the official caucus ballot for such caucuses, may be made only by nomination papers bearing the signatures of at least one registered voter for every two hundred votes cast for mayor at the next preceding election of a mayor, and filed with the board of election commissioners, as now required by law to be filed with the city committee of the political party, instead of with such committee; nominations for ward aldermen to be placed on such caucus ballot may be made only by nomination papers bearing the signatures of at least fifty registered voters in the ward, filed with the board of election commissioners as aforesaid; nominations for aldermen at large to be placed on such caucus ballot shall not specify for what term the candidates are nominated, but the several candidates receiving respectively the largest numbers of votes at such caucuses shall be the nominees for the longest



term to be filled, and those respectively receiving the next largest numbers of votes shall be the nominees for the next longest term to be filled, and if a tie vote between two or more candidates prevents such assignment of terms it shall be made by lot, publicly drawn by the board of election commissioners of said city. No person shall sign caucus nomination papers for more candidates than there are nominations to be made.

SECTION 6. Nominations by nomination papers for president of the city council and aldermen at large, to be placed on the official election ballot, may be made only by such papers bearing the signatures of at least one registered voter for every one hundred votes cast for mayor at the next preceding election of a mayor, the nomination papers of aldermen at large specifying the terms for which the respective candidates are nominated; nominations by nomination papers for ward aldermen, to be placed on the official election ballot, may be so made only by such papers bearing the signatures of at least one hundred registered voters of the ward. No person shall sign nomination papers for more candidates than there are offices to be filled.

Nominations by nomination papers.

SECTION 7. The board of election commissioners shall have the same powers and perform the same duties in relation to counting, tabulating and determining the votes cast at the several caucuses, as they have in relation to votes cast in the several precincts at elections; and all provisions of law relating to caucus and election nomination papers, nominations and caucuses, not inconsistent with the provisions of this act, shall apply to nomination papers, nominations and caucuses for the offices hereby created.

Powers and duties of election commissioners, etc.

SECTION 8. The president of the city council shall when present preside at the meetings thereof; shall from time to time designate some member thereof to preside in his absence and when he leaves the chair; shall appoint the chairman and other members of committees to the number fixed by the city council; shall be a member of every committee, and chairman of every committee authorized to recommend appropriations or to prepare rules; shall have the direction of the officers appointed by him or subject to his approval or elected by the city council; and may remove them for such cause as he may deem sufficient and shall assign in his order of removal; shall serve as

President of city council, powers and duties, etc.

acting mayor in the same manner as the chairman of the board of aldermen of a city is authorized by general law to serve in such capacity, and his succession to the office of mayor shall constitute a vacancy in the office of president; and shall in the month of November of each year make a report, which shall be printed as a city document, giving a summary of the work of the city council for the current municipal year.

May appoint a clerk, provide stationery, etc.

Clerk of city council, election, powers and duties, etc.

Compensation, etc., of president and members of city council, etc.

To be judge of election of its members, establish rules for its proceedings, etc.

SECTION 9. The president may appoint and fix the compensation, not exceeding fifteen hundred dollars per annum, of one clerk, and may, by requisition on the superintendent of printing, provide necessary stationery, printing and documents. The city council shall annually elect a clerk of the city council, who shall receive an annual salary not exceeding three thousand dollars, and who shall keep its records, and who shall appoint, subject to the approval of the president, necessary messengers, clerks and employees; but in appointing or electing such messengers, clerks and employees, and furnishing stationery, printing and documents as aforesaid, the appropriation made for expenses of the city council for "Employees and Supplies" shall not be exceeded. The salary of the president, paid in monthly payments, shall be five thousand dollars per annum, or such smaller salary as the city council shall by ordinance prescribe, no change of such salary to take effect during the municipal year in which the change is made; each of the other members of the city council shall be paid, in monthly payments, a salary of twelve hundred dollars per annum, and such further sum, not exceeding twenty-five dollars in any one month, as he shall certify has been incurred and paid by him as expenses in the performance of his official duties. No money shall be paid out of the city treasury for expenses of the city council or of any committee thereof, or to or for the compensation or expenses of any member of the city council or any officer or employee appointed by the president of the city council, except as provided in this section.

SECTION 10. The city council shall be the judge of the election and qualification of its members; shall from time to time establish rules for its proceedings; shall, when a vacancy occurs in the office of president, elect by vote of a majority of all the members, some registered voter of said city not then a member to be president of the city council for the remainder of the municipal year; shall,

when a vacancy occurs in the office of any member, elect by vote of a majority of all the members a registered voter of said city to fill the vacancy for the remainder of the municipal year; shall have and exercise all the powers, authorities and duties, not inconsistent with this act, held under special laws by the mayor and aldermen or board of aldermen of said city, acting as county commissioners, or as other public officers, or as a branch of the city council, or by the city council, or the common council of said city, or held by the mayor and aldermen or the board of aldermen of cities under general laws; and all general laws and parts of general laws relating to aldermen or members of common councils of cities, and all special laws and parts of special laws relating to the aldermen or the members of the common council of the city of Boston, so far as they are not inconsistent with the provisions of this act, shall apply to the members of the city council created by this act. The mayor of said city may at any time address the city council in person.

Certain provisions of law to apply, etc.

SECTION 11. All acts and parts of acts providing for the election of aldermen and members of the common council of said city, or inconsistent with this act, are hereby repealed, and all ordinances and parts of ordinances inconsistent with this act are hereby annulled.

Repeals, etc.

SECTION 12. This act shall be submitted for the acceptance of the voters of said city at the annual state election in the current year, and if accepted by a majority of the votes cast at such election the provisions relating to the nomination and election of members of the city council shall take effect on such acceptance, and this act shall take full effect on the first Monday of January in the year eighteen hundred and ninety-eight.

To be submitted for acceptance at state election, 1897, etc.

*Approved May 7, 1897.*

AN ACT TO ESTABLISH THE SALARY OF THE SECOND CLERK IN THE OFFICE OF THE BOARD OF COMMISSIONERS OF SAVINGS BANKS.

*Chap. 362*

*Be it enacted, etc., as follows:*

SECTION 1. The salary of the second clerk in the office of the board of commissioners of savings banks shall be fifteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven.

Second clerk in office of commissioners of savings banks.

SECTION 2. This act shall take effect upon its passage.

*Approved May 7, 1897.*

**Chap. 363** AN ACT TO AUTHORIZE THE MILFORD, HOLLISTON AND FRAMINGHAM STREET RAILWAY COMPANY TO CONSTRUCT AND OPERATE ITS RAILWAY OVER THE TRACKS OF THE MILFORD BRANCH OF THE BOSTON AND ALBANY RAILROAD COMPANY IN THE TOWN OF FRAMINGHAM AT GRADE.

*Be it enacted, etc., as follows :*

The Milford, Holliston and Framingham Street Railway Company may complete its railway, etc.

SECTION 1. The Milford, Holliston and Framingham Street Railway Company is hereby empowered to complete its railway, and operate the same, over and across the tracks of the Milford branch of the Boston and Albany Railroad Company on Hollis street in the town of Framingham, at grade, upon condition that whenever the grade crossing of said Hollis street and the tracks of the Boston and Albany Railroad Company is altered so as to avoid a crossing at grade, under the provisions of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, or any act in addition thereto or in amendment thereof, or any special act, said street railway company, its successors or assigns, shall bear and pay ten per cent. of the total cost of such alteration; and the remainder of said cost shall be apportioned as provided in said chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, between the Boston and Albany Railroad Company, the Commonwealth and the town of Framingham.

1895, 426, not to apply.

SECTION 2. The provisions of chapter four hundred and twenty-six of the acts of the year eighteen hundred and ninety-five shall not apply to said crossing.

SECTION 3. This act shall take effect upon its passage.

*Approved May 10, 1897.*

**Chap. 364** AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE STEAMER KNOWN AS THE OCEAN GEM.

*Be it enacted, etc., as follows :*

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for expenses in connection with the steamer known as the Ocean Gem, owned by the Commonwealth, to be expended under the direction of the chief of the district police, as provided for in chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-seven, to wit : —

For running expenses and necessary repairs to the steamer in charge of the chief of the district police, a sum not exceeding forty-five hundred dollars.

Expenses, etc., of steamer Ocean Gem.

For travelling and other necessary expenses of a member of the district police detailed for service on board said steamer, a sum not exceeding five hundred dollars.

Expenses of member of district police detailed for service on steamer.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

AN ACT TO AUTHORIZE THE BOARD OF PARK COMMISSIONERS OF THE CITY OF BOSTON TO LEASE LANDS OR BUILDINGS UNDER THEIR CONTROL FOR BOATHOUSES AND OTHER PURPOSES.

*Chap. 365*

*Be it enacted, etc., as follows:*

SECTION 1. The board of park commissioners of the city of Boston may lease any lands or buildings under their control, to be used for boathouses, refectories and other purposes, and may grant concessions for keeping boats, carriages and other things for the accommodation of the public, for such terms and on such conditions as the board, with the approval of the mayor, may deem proper: *provided*, that nothing in this act shall be so construed as to affect in any way any contract or agreement entered into by said board of park commissioners prior to the passage of this act.

Park commissioners of Boston may lease certain lands, buildings, etc.

*Proviso.*

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BARNSTABLE TO PAY A SUM OF MONEY TO THE WIDOW OF JAMES H. HOPKINS.

*Chap. 366*

*Be it enacted, etc., as follows:*

The county commissioners of the county of Barnstable are hereby authorized to pay to the widow of James H. Hopkins late justice of the second district court of Barnstable, who died on the fifth day of September in the year eighteen hundred and ninety-six, the sum of three hundred and nineteen dollars and forty-four cents, being the amount of salary which the said James H. Hopkins would have been entitled to receive if he had lived until the end of said year.

Widow of James H. Hopkins.

*Approved May 10, 1897.*

**Chap. 367** AN ACT TO ESTABLISH A LAW LIBRARY AT THE COURT HOUSE OF THE COUNTY OF ESSEX IN THE CITY OF LAWRENCE.

*Be it enacted, etc., as follows:*

Law library established, etc.

SECTION 1. A law library is hereby established at the court house of the county of Essex in the city of Lawrence, for the use of the courts and the citizens, which library shall be under the charge and control of the Lawrence Bar Association; and the county commissioners of said county are hereby authorized to cause to be paid annually to said association from the treasury of said county the sum of five hundred dollars, to be expended by said association in purchasing books for said library.

County commissioners to provide accommodations.

SECTION 2. The county commissioners of the county of Essex are directed and required to provide suitable accommodations for such library in said court house.

P. S. 40, § 8, to apply.

SECTION 3. The provisions of section eight of chapter forty of the Public Statutes shall apply to the law library hereby established.

*Approved May 10, 1897.*

**Chap. 368** AN ACT TO LEGALIZE AND CONFIRM THE PROCEEDINGS OF THE ANNUAL TOWN MEETING OF THE TOWN OF RAYNHAM.

*Be it enacted, etc., as follows:*

Proceedings of town meeting of Raynham confirmed.

SECTION 1. The election of town officers for the town of Raynham at the annual town meeting of said town held on the eighth day of March in the year eighteen hundred and ninety-seven shall not be invalid by reason of the fact that the clerk pro tempore of said meeting was not elected as required by law.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

**Chap. 369** AN ACT RELATIVE TO THE MILTON WATER COMPANY.

*Be it enacted, etc., as follows:*

1888, 411, etc., to continue in force.

SECTION 1. The provisions of chapter four hundred and eleven of the acts of the year eighteen hundred and eighty-eight, being "An Act to incorporate the Milton Water Company", and of all acts in amendment thereof or in addition thereto, shall continue in force and have the same effect as if chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, being

“An Act to provide for a Metropolitan Water Supply”,  
had not been passed,

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

AN ACT TO AUTHORIZE THE NATIONAL DOCK AND WAREHOUSE  
COMPANY TO HOLD ADDITIONAL REAL ESTATE. *Chap.370*

*Be it enacted, etc., as follows.*

SECTION 1. The National Dock and Warehouse Com-  
pany is hereby authorized to purchase and hold, for the  
purposes and with the powers set forth in chapter twenty-  
six of the acts of the year eighteen hundred and sixty-five,  
certain real estate in East Boston adjacent to that described  
in said chapter twenty-six, and bounded and described as  
follows: — Northwesterly on Lewis street, northeasterly  
on Webster street, southeasterly by land of the Boston  
and Maine Railroad Company, southwesterly on Marginal  
street, and, in another part, northeasterly on Marginal  
street, southeasterly, southwesterly and northwesterly by  
land of the Boston and Maine Railroad Company, with all  
privileges and appurtenances thereto belonging.

May hold addi-  
tional real  
estate.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

AN ACT RELATIVE TO THE LOCATION AND CONSTRUCTION OF HIGH-  
WAYS IN THE CITY OF BOSTON. *Chap.371*

*Be it enacted, etc., as follows:*

SECTION 1. The board of street commissioners of the  
city of Boston may lay out, locate anew, alter, widen or  
discontinue highways, and may order the construction  
thereof, in that part of said city known as the Dorchester  
district, shown on plan “X 22” made by the board of  
survey of said city and on file in the office of the city en-  
gineer of said city, according to such directions, widths  
and grades as said board of street commissioners may  
after public notice and hearing deem that the public ne-  
cessity and convenience require.

Location and  
construction of  
highways in  
Boston.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

**Chap. 372** AN ACT TO INCORPORATE THE MILLBURY, SUTTON AND DOUGLAS RAILROAD COMPANY.

*Be it enacted, etc., as follows :*

Millbury,  
Sutton and  
Douglas Rail-  
road Company  
incorporated.

SECTION 1. Thomas M. Babson, Francis A. Harrington and James W. Stockwell, their associates and successors, are hereby made a corporation by the name of the Millbury, Sutton and Douglas Railroad Company, for the construction and maintenance of a railroad to be operated by electricity; with all the powers and privileges and subject to all the duties, restrictions, liabilities and provisions set forth in the general laws which now are or hereafter may be in force relating to railroad corporations.

May construct,  
etc., a railroad  
in certain  
towns.

SECTION 2. Said corporation may locate, construct, maintain and operate a railroad with one or more tracks, from some convenient point at or near the Blackstone river in the town of Millbury, over private lands and public ways southwesterly to the town of Sutton; thence southerly by way of the villages of Manchaug and East Douglas to a point at or near the depot of the New England Railroad Company in the town of Douglas, with the right to construct a track to West Sutton in said town of Sutton: *provided*, that the location of said railroad upon any public way shall be further subject to the provisions of section seven of chapter one hundred and thirteen of the Public Statutes.

Proviso.

Rate of speed  
to be subject to  
certain limita-  
tions.

SECTION 3. The rate of speed upon such parts of said railroad as are within the public highways in any town shall be subject to the limitations fixed by the selectmen of such town.

Capital stock.

SECTION 4. The capital stock of said corporation shall not exceed two hundred thousand dollars, nor be less than one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

May mortgage  
its road, etc.

SECTION 5. Said corporation may mortgage its road, equipment and franchise, and property owned at the time of such mortgage or thereafter acquired, and may issue bonds to an amount which shall not exceed the capital stock of the corporation actually paid in at the time.

May make  
leases, etc.,  
with certain  
railroad cor-  
porations.

SECTION 6. The said railroad company is hereby authorized to make with any railroad corporation whose railroad now connects or hereafter shall connect with the Millbury, Sutton and Douglas railroad, such leases or operating contracts as the directors of such corporation



may agree to, and as may be approved by a majority of the stockholders of said corporation at a meeting duly called for such purpose, but no such agreement shall be valid unless and until the same is approved by the board of railroad commissioners.

SECTION 7. This act shall be void unless said railroad shall be located within six months after the passage of this act, and the work of construction of said railroad upon said location shall be actually commenced within one year after the passage of this act, and unless said railroad shall be completed and in actual operation within two years after the passage of this act.

To be void under certain conditions.

SECTION 8. This act shall take effect upon its passage.

*Approved May 10, 1897.*

AN ACT TO INCORPORATE THE PALMER AND MONSON STREET RAILWAY COMPANY.

*Chap. 373*

*Be it enacted, etc., as follows :*

SECTION 1. Charles H. Hobbs, Elbridge G. Hastings, Elmer G. Childs, David L. Bodfish, George H. Wilkins, Rufus Flynt, Hiram E. W. Clark, George E. Buck, Charles E. Fish, Charles F. Grosvenor, George C. Flynt and Michael F. Moore, their associates and successors, are hereby made a corporation under the name of the Palmer and Monson Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws that now are or hereafter may be in force relating to street railway companies.

Palmer and Monson Street Railway Company incorporated.

SECTION 2. Said company may locate, relocate, construct, maintain and operate its railway in such manner as may be convenient and necessary, in part upon private land and upon streets, highways or state roads, in the towns of Palmer and Monson, subject to the approval and under the control of the selectmen of the respective towns, as provided by general laws, and subject also to the approval and consent of the Massachusetts highway commission as to any part of said railway located upon a state highway. The location of said railway outside the public streets and highways shall not exceed fifty feet in width.

May construct, etc., its railway in Palmer and Monson.

Location.

SECTION 3. Said company may maintain and operate its railway by any approved power other than steam, and may erect and maintain poles and wires on private lands

Motive power, etc.

May acquire  
necessary real  
estate, etc.

Proceedings for  
fixing route,  
taking private  
property, etc.

Capital stock.

May issue  
mortgage  
bonds, etc.

May lease its  
road, etc.

taken, and, with the consent of the board of selectmen in the respective towns, may erect such poles and wires in the streets and highways as may be necessary to establish and maintain such motive power. It may acquire by purchase or by lease all necessary real estate for its power stations and other uses incidental to the proper maintenance of its railway.

SECTION 4. The proceedings for the fixing of the route and location of said railway for all the route outside of streets and highways, and for the taking of private property and for the determination and payment of damages therefor, shall be similar to those prescribed by general law in relation to railroads, except as hereinafter otherwise provided; but if upon petition of the directors, and after notice and hearing thereon, as provided in section twenty-one of chapter one hundred and thirteen of the Public Statutes, the selectmen of any town agree with the directors as to any proposed extension of the route of said railway therein which is in part located on private land, and the selectmen sign and give to the directors a certificate setting forth such route, and if such certificate, with the directors' acceptance thereof in writing is recorded in the registry of deeds for the county of Hampden within thirty days after the date of said certificate, it shall be deemed the true location of the tracks of the company and a taking of the private lands therein indicated.

SECTION 5. The capital stock of said company shall not exceed sixty thousand dollars, except that said company may increase its capital stock, subject to the provisions of the general laws relative thereto.

SECTION 6. Said company, in order to meet expenses incurred under this act, may issue bonds not exceeding the amount of its capital stock and payable within a period not exceeding thirty years from the date thereof, secured by mortgage of its franchise and property, subject to the general laws relative thereto, and in such mortgage may reserve to its directors the right to sell or otherwise in due course of business dispose of property included therein which may become unsuitable for use, provided an equivalent in value is substituted therefor.

SECTION 7. Said company may lease its road to and it may be leased by, and it may buy or lease the track of, any street railway company, subject to the general laws relative thereto upon such terms as may be deemed best

by a majority in interest of the stockholders of said company at a meeting called for that purpose.

SECTION 8. No stock or bonds shall be issued under this act until the terms of such issue have been submitted to the board of railroad commissioners and approved by them. And if they approve such issue a certificate setting forth such approval shall be executed by said board and filed by said company in the office of the secretary of the Commonwealth.

Issue of stock or bonds to be approved by railroad commissioners, etc.

SECTION 9. The authority herein granted shall cease as to the location in any town where no portion of the proposed road has been built and put in operation at the end of five years from the passage of this act.

Road to be in operation within five years, etc.

SECTION 10. This act shall take effect upon its passage.

*Approved May 10, 1897.*

AN ACT RELATIVE TO THE SUPPORT OF THE POOR IN TOWNS.

*Chap. 374*

*Be it enacted, etc., as follows :*

SECTION 1. In towns where paupers are provided for otherwise than in a workhouse or almshouse the overseers of the poor shall investigate each place where the town paupers are to be supported, and shall make such contract for the support of town paupers as in the judgment of the overseers of the poor will secure proper care and maintenance for such paupers. A full and complete record of each case shall be kept, containing the terms and conditions of support agreed upon, and also a statement of what services, if any, are to be rendered by the paupers. A majority of the overseers of the poor shall certify upon the records that such investigation has been made in each case and that they are satisfied that the poor of the town will be well and properly cared for. The overseers of the poor shall visit each place where the town paupers are provided for, at least once every three months, and a record of each visit and of the condition of the paupers visited shall be kept.

Overseers of poor in certain towns to investigate places where town paupers are to be supported, etc.

SECTION 2. Any overseer of the poor who violates the provisions of this act shall be punished by fine not exceeding one hundred dollars.

Penalty.

SECTION 3. The state board of lunacy and charity may determine in what manner overseers of the poor shall make contracts for the support of town paupers, and may visit and inspect all places where paupers are

Enforcement of provisions, etc.

so supported, and shall have full power to enforce the provisions of this act.

SECTION 4. This act shall take effect upon its passage.

*Approved May 10, 1897.*

**Chap. 375** AN ACT TO ESTABLISH A CEMETERY DEPARTMENT IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Trustees of cemetery department in the city of Boston, appointment, etc.

SECTION 1. There shall be in the city of Boston a cemetery department, which shall be under the charge of a board of five trustees appointed by the mayor, subject to confirmation by the board of aldermen. Said trustees shall, in the year eighteen hundred and ninety-seven, be appointed, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, each term beginning with the first day of May in said year; and annually thereafter the mayor shall appoint, subject to confirmation as aforesaid, one trustee for the term of five years, beginning with the first day of May in the year of appointment. Chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five, and all acts relating to departments and officers of departments in the city of Boston shall, so far as applicable, apply to said department and the officers and employes thereof.

1885, 266, etc., to apply.

Powers and duties.

SECTION 2. Said board shall have charge of Mount Hope Cemetery and of all other burial grounds owned by or in charge of the city of Boston; shall set apart and appropriate a portion of said cemetery as a public burying ground for the use of the inhabitants of said city, free from any charge therefor; shall lay out said cemetery in suitable lots or other subdivisions for family or other burials, with necessary paths and avenues; shall plant and embellish the said cemetery with trees, shrubs, flowers and other rural ornaments; may enclose and divide the same with proper fences; may erect or annex thereto suitable edifices, appendages or conveniences; and may make such by-laws, rules and regulations, not inconsistent with statutes or ordinances, as they may deem advisable; and shall perform such other duties relative to such cemetery and said burial grounds as the city council may from time to time prescribe. All acts and all ordinances of

said city relating to Mount Hope Cemetery shall, so far as they are not inconsistent herewith, apply to said department and the officers in charge thereof.

SECTION 3. This act shall take effect upon its passage.

*Approved May 10, 1897.*

AN ACT TO DEFINE AND EXTEND THE DUTIES OF RAILROAD INSPECTORS.

*Chap. 376*

*Be it enacted, etc., as follows:*

SECTION 1. The railroad inspectors appointed under the provisions of chapter five hundred and thirty-five of the acts of the year eighteen hundred and ninety-four shall have the power and it shall be their duty, under the direction of the board of railroad commissioners, to examine the roadbeds, tracks, crossings, stations, rolling stock, equipments, appliances and grounds which are used in or in connection with the operation of railroads and street railways; and in case any of the same are considered by an inspector to be not in compliance with the provisions or requirements of law, or to be in a condition such as to endanger the safety of the public or of employees, he shall so report in writing to the board of railroad commissioners; and the board, if there appears to be occasion for so doing, shall give notice of such non-compliance or defect to the corporation or persons owning or operating the railroad or street railway, with such recommendation as it may deem to be necessary or proper.

Duties of railroad inspectors extended, etc.

SECTION 2. An inspector shall investigate as promptly as may be any accident upon or resulting from the operation of a railroad or street railway, which is attended with loss or risk of life to a passenger, employee or other person, and shall report thereon to the board of railroad commissioners, and shall attend the inquest held in any case of death by such accident, and may cause any person having knowledge of the facts or circumstances connected with such death to be duly summoned as a witness to testify at the inquest. The justice holding such inquest shall give seasonable notice of the time and place thereof to the board of railroad commissioners.

To investigate and report certain accidents, etc.

SECTION 3. Any employee may make complaint in writing to the board of railroad commissioners concerning a defect in the ways, works, machinery or appliances of a railroad or street railway, and the commissioners

Employees may make complaint concerning defect in ways, etc.

shall not divulge the name of the person making such complaint.

Salaries and expenses of inspectors.

SECTION 4. The salaries and expenses of the railroad inspectors shall be borne, apportioned and collected in the manner provided in section twelve of chapter one hundred and twelve of the Public Statutes.

Repeal.

SECTION 5. So much of chapter five hundred and thirty-five of the acts of the year eighteen hundred and ninety-four as is inconsistent with the provisions of this act is hereby repealed.

To take effect July 1, 1897.

SECTION 6. This act shall take effect on the first day of July in the present year. *Approved May 10, 1897.*

**Chap.377** AN ACT TO AUTHORIZE THE CITY OF BOSTON TO CONVEY CERTAIN LAND IN THE TOWN OF WINCHESTER.

*Be it enacted, etc., as follows :*

May convey certain land in Winchester.

SECTION 1. The mayor of the city of Boston is hereby authorized to convey certain land in Winchester, taken for the use of the water works of the city of Charlestown, to the person from whom the same was taken, or to his heirs or assigns.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

**Chap.378** AN ACT RELATIVE TO STONY BROOK IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows :*

1896, 530, § 1, amended.

SECTION 1. Section one of chapter five hundred and thirty of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out in the fifth and sixth lines, the words "Boylston station on said railroad", and inserting in place thereof the words:—the town of Hyde Park,—so as to read as follows:—*Section 1.* The city of Boston may alter the course of and make a new channel, covered or uncovered, for Stony brook in the city of Boston, from a point at or near the Tremont street crossing of the Boston and Providence railroad to a point at or near the town of Hyde Park.

City of Boston may alter course of Stony brook, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

AN ACT RELATIVE TO THE BUILDING LINE AND HEIGHT OF BUILDINGS ON PARKWAYS, BOULEVARDS AND PARKS.

*Chap. 379*

*Be it enacted, etc., as follows :*

SECTION 1. Section one of chapter three hundred and thirteen of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out all of said section after the word "feet", in the tenth line, and inserting in place thereof the words:—exclusive of such steeples, towers, domes, cornices, parapets, balustrades, sculptured ornaments, chimneys and roofs, as the board of park commissioners may approve, — so as to read as follows:—*Section 1.* The board of park commissioners of a city or town may, in the manner and in accordance with and subject to the provisions of chapter four hundred and sixty-two of the acts of the year eighteen hundred and ninety-three, establish a building line, at no point more than twenty-five feet distant from any exterior line of a parkway, boulevard or public way on which a park borders; and the extreme height to which buildings may be erected upon such parkway, boulevard or public way shall be seventy feet, exclusive of such steeples, towers, domes, cornices, parapets, balustrades, sculptured ornaments, chimneys and roofs, as the board of park commissioners may approve.

1896, 313, § 1,  
amended.

Building line  
and height of  
buildings on  
parkways, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

AN ACT TO PROVIDE FOR THE RELOCATION OF CHILMARK STREET IN THE CITY OF BOSTON.

*Chap. 380*

*Be it enacted, etc., as follows :*

SECTION 1. The board of street commissioners of the city of Boston are hereby authorized to relocate Chilmark street, now located upon plan marked "Board of Survey Plan 13, indexed as N 23", filed by the board of survey in the office of the city surveyor, twenty-eight and one half feet west of its present location, so as to leave a strip of its present location twenty-eight and one half feet wide, and bounded easterly by the easterly line of its present location, free from the existing layout.

Chilmark street  
may be re-  
located, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

**Chap.381** AN ACT PROVIDING FOR THE SPEEDY TRIAL OF CERTAIN CIVIL CASES.  
*Be it enacted, etc., as follows :*

Certain civil cases may be advanced for a speedy trial, etc.

SECTION 1. Any civil case pending in the county of Suffolk, in which either party becomes entitled to a new trial by jury, or in which an auditor's report is filed, shall, upon the application of either party, be advanced for a speedy trial; and the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-four shall extend to all such cases.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

**Chap.382** AN ACT RELATIVE TO EXECUTIONS WITH CERTIFICATES OF ARREST ATTACHED.

*Be it enacted, etc., as follows :*

Executions with certificates of arrest attached.

SECTION 1. Upon the renewal of an execution with a certificate of arrest affixed thereto the copy of the certificate required by section one of chapter one hundred and twenty-eight of the acts of the year eighteen hundred and ninety shall be made by the clerk of the court or by the magistrate issuing such execution.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

**Chap.383** AN ACT RELATIVE TO THE JUNIOR JUDGE OF PROBATE AND INSOLVENCY FOR THE COUNTY OF MIDDLESEX.

*Be it enacted, etc., as follows :*

Junior judge of probate and insolvency for Middlesex.

SECTION 1. The salary of the junior judge of probate and insolvency for the county of Middlesex, provided for by chapter five hundred and twenty-seven of the acts of the year eighteen hundred and ninety-four, shall be forty-five hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven.

Repeal.

SECTION 2. Sections two and three of said chapter are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved May 10, 1897.*



AN ACT TO CONFIRM THE PROCEEDINGS OF A CERTAIN TOWN MEETING OF THE TOWN OF PRINCETON. *Chap.384*

*Be it enacted, etc., as follows:*

SECTION 1. The proceedings of the town meeting of the town of Princeton held on the sixth day of April in the year eighteen hundred and ninety-six shall not be invalid by reason of the fact that tellers were not appointed prior to said meeting, as required by chapter two hundred and eighty-five of the acts of the year eighteen hundred and ninety-five.

Proceedings of town meeting of Princeton confirmed.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

AN ACT TO INCREASE THE PENALTY FOR GIVING FALSE ALARMS OF FIRE. *Chap.385*

*Be it enacted, etc., as follows:*

Section thirteen of chapter two hundred and six of the Public Statutes is hereby amended by striking out in the fourth line, the words "fifty dollars", and inserting in place thereof the words:—one hundred dollars or by imprisonment in the jail not exceeding six months,—so as to read as follows:—*Section 13.* Whoever without reasonable cause, by outcry or the ringing of bells, or otherwise, makes or circulates or causes to be made or circulated a false alarm of fire, shall be punished by fine not exceeding one hundred dollars or by imprisonment in the jail not exceeding six months.

P. S. 206, § 13, amended.

Penalty for false alarm of fire.

*Approved May 10, 1897.*

AN ACT TO SIMPLIFY THE PROOF OF ATTESTED INSTRUMENTS. *Chap.386*

*Be it enacted, etc., as follows:*

It shall be competent to prove the signature to any attested instrument or writing, except a will, in the same manner as if such instrument were not attested.

Proof of attested instruments.

*Approved May 10, 1897.*

AN ACT RELATIVE TO THE JURISDICTION OF MUNICIPAL, POLICE AND DISTRICT COURTS AND TRIAL JUSTICES IN CERTAIN CRIMINAL CASES. *Chap.387*

*Be it enacted, etc., as follows:*

SECTION 1. Municipal, police and district courts and trial justices shall have original and concurrent jurisdic-

Jurisdiction of certain criminal cases.

tion with the superior court of any of the offences described in chapter two hundred and three of the Public Statutes or in any acts in amendment thereof, when the accused pleads guilty and the penalty is imprisonment not exceeding five years or a fine not exceeding five hundred dollars, or both; and in such cases said courts and trial justices shall have the same power of sentence as may be exercised by the superior court upon plea or verdict of guilty upon indictment.

SECTION 2. This act shall take effect upon its passage.

*Approved May 10, 1897.*

**Chap. 388** AN ACT RELATIVE TO THE EXTENSION OF COVE STREET IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

1896, 516, § 11,  
amended.

Section eleven of chapter five hundred and sixteen of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out all after the word "specified", in the thirty-seventh line, to and including the word "necessary", in the forty-third line, and by inserting after the word "company", in the thirty-third line, the words:—Cove street shall be extended by a bridge over the tracks of the terminal company and over Fort Point channel to Dorchester avenue at or near West First street in South Boston; and the said terminal company shall pay towards the cost of said bridge such sum as the railroad commissioners may determine to be equivalent to the cost of constructing for the accommodation of foot passengers a suitable bridge or a suitable subway from the end of the new Cove street, before its extension as herein provided, to meet Dorchester avenue at a convenient place: *provided, however*, that the extension of Cove street to West First street shall not be begun until such time after the first day of July in the year eighteen hundred and ninety-eight as may be determined by the railroad commissioners and the street commissioners sitting jointly,—so as to read as follows:—*Section 11.* In order to render the union station and passenger facilities herein provided to be constructed and maintained by the terminal company accessible and convenient for public use, the following changes shall be made by the board of street commissioners of the city of Boston in its streets and public places, to wit:—Lehigh street between South

Changes to be  
made in certain  
streets in  
Boston, etc.

street and Broadway bridge shall be discontinued; Cove street shall be widened to the width of at least one hundred feet, and extended at the width to which it may thus be widened to Summer street extended as required by this act; all of Federal street between Essex street and Federal street bridge which is not embraced within land which the terminal company is authorized to take, or which is not included in the above widening or extending of Cove street, shall be discontinued; Summer street shall be extended at least one hundred feet in width from Purchase street to the harbor commissioners' line; Dorchester avenue shall be extended over Federal street bridge, and thence laid out at a width of ninety-two feet, upon land which the terminal company shall convey to the city without compensation, substantially parallel with the harbor commissioners' line, to Summer street so extended, and said terminal company shall convey in fee to the city such of its land acquired under this act as may be required by said street commissioners for said widening and extension of Cove and Summer streets, at its actual reasonable cost to said terminal company; Albany street and Broadway, and the bridges thereof over the Boston and Albany tracks, shall be changed so as to enable the two southerly main tracks and two additional main tracks south of them to be extended thereunder to the grounds of the terminal company. Cove street shall be extended by a bridge over the tracks of the terminal company and over Fort Point channel to Dorchester avenue at or near West First street in South Boston; and the said terminal company shall pay towards the cost of said bridge such sum as the railroad commissioners may determine to be equivalent to the cost of constructing for the accommodation of foot passengers a suitable bridge or a suitable subway from the end of the new Cove street, before its extension as herein provided, to meet Dorchester avenue at a convenient place: *provided, however*, that the extension of Cove street to West First street shall not be begun until such time after the first day of July in the year eighteen hundred and ninety-eight as may be determined by the railroad commissioners and the street commissioners sitting jointly. Said board of street commissioners shall discontinue, widen, and lay out said streets in such manner as may be approved by the mayor, and said city shall construct said streets and make said changes in said

Changes to be made in certain streets in Boston, etc.

Proviso.

bridges as above-specified. The supreme judicial court or any justice thereof shall have jurisdiction in equity to enforce the provisions of this section.

*Approved May 11, 1897.*

**Chap.389** AN ACT RELATIVE TO THE RUNNING OF STEAMBOATS ON THE LORD'S DAY.

*Be it enacted, etc., as follows:*

Railroad commissioners may authorize the running of steamboats on the Lord's day, etc.

SECTION 1. The board of railroad commissioners may, when in their opinion the public necessity, convenience, health or welfare require, authorize the running of steamboats on the Lord's day; and the running so authorized may be for the entire year or any part thereof. They may impose on the managers of such steamboats such conditions as they deem judicious to prevent disorderly conduct or the disturbance of public worship, and they may revoke at any time in their discretion, the authority or license by them granted to said managers.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved May 12, 1897.*

**Chap.390** AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE SECOND DISTRICT COURT OF EASTERN MIDDLESEX.

*Be it enacted, etc., as follows:*

Justice of second district court of Eastern Middlesex.

SECTION 1. The salary of the justice of the second district court of eastern Middlesex shall be eighteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved May 12, 1897.*

**Chap.391** AN ACT TO AUTHORIZE THE CHANGE OF ONE OR MORE REGIMENTS OF INFANTRY TO HEAVY ARTILLERY.

*Be it enacted, etc., as follows:*

1893, 367, § 23, amended.

Section twenty-three of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out all of said section after the word "governor", in the sixth line, and inserting in place thereof the words:—may be changed to heavy artillery and uniformed and instructed as such,

—so as to read as follows:—*Section 23.* The commander-in-chief shall arrange the infantry, artillery and cavalry into regiments, battalions, and when necessary, unattached companies, and not more than two brigades. There shall not be more than six regiments of infantry, one regiment or more of which, at the discretion of the governor, may be changed to heavy artillery and uniformed and instructed as such.

One or more regiments of infantry may be changed to heavy artillery, etc.

*Approved May 12, 1897.*

AN ACT TO AUTHORIZE THE BOARD OF HARBOR AND LAND COMMISSIONERS TO LEASE THE COMMONWEALTH FLATS AT SOUTH BOSTON.

*Chap. 392*

*Be it enacted, etc., as follows:*

SECTION 1. The board of harbor and land commissioners may lease any portion or portions of the lands at and near South Boston, known as the Commonwealth Flats at South Boston, with or without improvements thereon, for such lengths of time and upon such terms as said board may deem best. All leases made under the authority of this act shall be subject to the approval of the governor and council.

Commonwealth Flats at South Boston may be leased, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 12, 1897.*

AN ACT TO AUTHORIZE THE CITY OF MARLBOROUGH TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF BUILDING A NEW HIGH SCHOOLHOUSE AND MOVING THE OLD HIGH SCHOOLHOUSE.

*Chap. 393*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Marlborough, for the purpose of erecting a new high schoolhouse and moving the old high schoolhouse, may incur indebtedness to an amount not exceeding sixty-five thousand dollars, and may from time to time, by vote of the city council, issue and sell negotiable notes, bonds or scrip, signed by the treasurer and countersigned by the mayor of said city, payable in periods not exceeding twenty years from the date of issue, and bearing interest at a rate not exceeding four per cent. per annum.

May incur indebtedness beyond debt limit, issue bonds, etc.

SECTION 2. The debt and loan authorized by this act, and the notes, bonds or scrip which may be issued there-

Not to be considered in determining debt limit.

for, shall not be considered or reckoned in determining the authorized limit of indebtedness of said city under the provisions of chapter twenty-nine of the Public Statutes and acts in amendment thereof or in addition thereto.

SECTION 3. This act shall take effect upon its passage.

*Approved May 12, 1897.*

**Chap. 394**

AN ACT RELATIVE TO PARKWAYS IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Public way  
connecting  
Franklin Park  
with Marine  
Park may be  
constructed,  
etc.

SECTION 1. The board of street commissioners of the city of Boston, acting under the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, and acts in amendment thereof or in addition thereto, and from the proceeds of the bonds and certificates authorized to be issued for laying out, locating anew, altering, widening and constructing highways under said provisions, may locate anew, alter, widen, lay out and order to be constructed, a public way over public ways and private lands, connecting Franklin Park with the Marine Park in said city, and the same shall be constructed under the provisions of said acts; and in making any such laying out and construction the directions, widths and grades shown on a plan or plans made under the provisions of said acts may be followed, or such others as said board or the officer making such construction may deem best for the public.

Charge and  
control of  
parkway.

SECTION 2. Said board may designate a certain part or parts of said public way to be under the charge of the board of park commissioners of said city as a parkway, and said board of park commissioners shall, after the construction thereof, have the charge and control of such parkway, as if the same had been placed in its charge under the provisions of chapter three hundred of the acts of the year eighteen hundred and ninety-three.

Public Park  
Loan.

SECTION 3. Said board of street commissioners, with the concurrence of said board of park commissioners and the approval of the mayor, shall specify to the treasurer of said city the amount required for carrying out so much of the order of said board of street commissioners as applies to the part or parts of said way to be used as a parkway as aforesaid; and said treasurer in issuing said bonds and certificates shall cause the same, to the amount

so specified, to be designated on their face as Public Park Loan, and the proceeds thereof shall be expended and deemed and considered as expenditures for public park purposes.

SECTION 4. This act shall take effect upon its passage.

*Approved May 13, 1897.*

AN ACT TO ESTABLISH SEPARATE DEPARTMENTS OF THE CITY OF BOSTON FOR THE CARE OF CHILDREN, PAUPERS AND CRIMINALS.

*Chap. 395*

*Be it enacted, etc., as follows :*

SECTION 1. The children's institutions department, the pauper institutions department and the institutions registration department, of the city of Boston, are hereby created as departments of said city, and shall be under the charge of the officers herein designated therefor. Said officers shall be citizens or taxpayers of said city, and shall be appointed by the mayor of said city without confirmation by the board of aldermen. The provisions of chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five, and of all other acts relating to the departments of the city of Boston, or the officers or employees thereof, except as otherwise herein provided, shall be applicable to said departments and the officers and employees thereof.

Certain departments of the city of Boston established.

SECTION 2. Each of said departments, except the institutions registration department, shall be under the charge of a board of seven trustees, at least two of whom shall always be women; during the current year one of said trustees for each of said departments shall be appointed for the term of five years, two for the term of four years, one for the term of three years, two for the term of two years and one for the term of one year, beginning with the first day of May in the year eighteen hundred and ninety-seven; and hereafter in the year in which any term or terms shall expire a trustee or trustees shall be appointed for the term of five years, beginning with the first day of May in the year of appointment; any vacancy occurring among said trustees shall be filled by appointment of a trustee as aforesaid for the remainder of the term. Said trustees shall serve without compensation, but all expenses reasonably incurred by them in the performance of their duty shall be paid by said city

Trustees, appointment, terms, etc.

Vacancy, etc.

Organization,  
etc.

if approved by a recorded vote of the board of which the trustee incurring such expense is a member. They shall organize on the first Monday of May in each year, or as soon thereafter as may be, by the choice of a chairman who shall be one of their number, and of a secretary who may, or may not at their discretion, be one of their number. No such trustee, nor any person in the employ of any of said trustees or departments shall be interested in a private capacity, directly or indirectly, in any contract or agreement for labor or for articles furnished for any of said departments.

Trustees for  
children,  
powers and  
duties.

SECTION 3. The board of trustees for the children's institutions department shall be known as the trustees for children, and shall have, exercise and perform all the powers and duties relating to children, or to any institution or place in which they are confined or detained or cared for, including the house of reformation, now conferred by the statutes of this Commonwealth upon the institutions commissioner of the city of Boston, except as to children lawfully committed to or detained in institutions established for the care and custody of the adult insane paupers and criminals.

Pauper institu-  
tions trustees,  
powers and  
duties.

SECTION 4. The board of trustees for the pauper institutions department shall be known as the pauper institutions trustees, and, except as otherwise provided by section three of this act, shall have, exercise and perform all the powers and duties relating to poor and indigent persons, or to any institution or place in which they are confined or detained or cared for, now conferred by the statutes of this Commonwealth upon the institutions commissioner of the city of Boston.

Penal institu-  
tions commis-  
sioner, powers  
and duties.

SECTION 5. The institutions department of the city of Boston shall hereafter be styled the penal institutions department, and the institutions commissioner shall hereafter be styled the penal institutions commissioner, and he shall continue to have, exercise and perform all the powers and duties now conferred by the statutes of this Commonwealth upon the institutions commissioner of the city of Boston not conferred by this act upon any other officer or board of trustees. The penal institutions commissioner may, with the approval of said mayor, appoint one assistant.

Institutions  
registrars,  
duties, etc.

SECTION 6. The institutions registration department shall be under the charge of the institutions registrar,



who shall investigate all questions relating to the settlement of paupers, to the commitment of the insane, or to the agency for discharged prisoners, or to any rights, duties or liabilities connected therewith, and report thereon to the department interested therein; and shall perform such services relating to the accounts and to the collection, registration and tabulation of statistics relating to said departments, or any of them, as may be required of him by said mayor or by the officer or trustees in charge of any of said departments, with the approval of said mayor. Said registrar shall receive an annual salary of three thousand dollars, or such other salary as may be fixed by ordinance.

SECTION 7. Said mayor shall quarterly, in the months of June, September, December and March, and at such other times and at such places as he shall appoint, hold conferences, at which may be present said penal institutions commissioner, said institutions registrar, two members of each of the aforesaid boards of trustees, to be selected by such boards severally, and two members of the board of overseers of the poor, to be selected by such board, to consider any subjects relating to the work of said departments, or of any two or more of them, or to the co-ordination of such work, and at said conferences said mayor shall preside.

Mayor to hold conferences, etc.

SECTION 8. The city of Boston may take and hold any real or personal property which may be given, granted, bequeathed or devised to and accepted by it for the benefit of any one or more of said departments or of the persons under the care thereof. Such property or the income thereof shall be used, applied and disposed of according to the lawful directions of the donor thereof, by the officers in charge of such department or departments.

City of Boston may take and hold certain real and personal property, etc.

SECTION 9. Any officers or employees of the institutions department of the city of Boston, whose tenure of office or position may be affected by this act or the carrying out thereof, may be appointed to similar positions in said city at any time within six months of the passage of this act, without civil service examination or enrolment.

Appointment of officers, etc., whose tenure of office is affected.

SECTION 10. No veteran holding an office in the institutions department of the city of Boston shall be removed or suspended, or shall without his consent be transferred from such office or employment, except after a full hearing before the mayor, and at such hearing the veteran shall

Certain veterans not to be removed, etc., without a hearing, etc.

have the right to be present and to be represented by counsel. Such removal, suspension or transfer shall be made only upon the written order of the mayor.

*Approved May 13, 1897.*

**Chap. 396** AN ACT TO AUTHORIZE THE CITY OF BOSTON TO ABATE A PORTION OF THE BETTERMENT ASSESSMENT MADE ON ACCOUNT OF THE LAYING OUT OF DORCHESTERWAY.

*Be it enacted, etc., as follows:*

Portion of  
betterment  
assessment may  
be abated, etc.

SECTION 1. The city of Boston may at any time within two years from the passage of this act authorize the board of park commissioners of said city to abate such proportion, not exceeding sixty per cent., of any assessment for a betterment made on account of the laying out of the parkway known as Dorchesterway, as said board shall deem just and expedient, and may authorize the treasurer of said city to repay such proportion of any assessment which is paid into the treasury of said city as said board of park commissioners shall approve. The expense incurred under this act shall be charged to the appropriation for the park department of said city.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1897.*

**Chap. 397** AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE CLERK OF THE MUNICIPAL COURT OF THE DORCHESTER DISTRICT OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Clerical as-  
sistance.

SECTION 1. From and after the first day of January in the year eighteen hundred and ninety-seven there shall be allowed to the clerk of the municipal court of the Dorchester district of the city of Boston, for clerical assistance, a sum not exceeding two hundred dollars in any one year, to be paid by the county of Suffolk.

Clerk may be  
reimbursed.

SECTION 2. The county of Suffolk may pay to the clerk of the municipal court of the Dorchester district of the city of Boston the sum of thirty-four dollars for moneys paid by said clerk for clerical assistance prior to the passage of this act.

SECTION 3. This act shall take effect upon its passage.

*Approved May 13, 1897.*

**AN ACT TO AUTHORIZE THE GRANTING OF LICENSES TO DEALERS IN PAINTS AND DEALERS IN CHEMICALS, FOR THE SALE OF PURE ALCOHOL FOR MECHANICAL, MANUFACTURING OR CHEMICAL PURPOSES.** *Chap. 398*

*Be it enacted, etc., as follows :*

**SECTION 1.** The board of license commissioners, the board of police of the city of Boston, the selectmen of towns, or the mayor and aldermen of any city which has not a board of license commissioners, may annually grant special licenses for the sale of pure alcohol for mechanical, manufacturing or chemical purposes, and for no other purposes, to dealers in paints and to dealers in chemicals who may apply therefor, if it shall appear that the applicant is a fit person to receive such license and that he is actually carrying on business as a dealer in paints or as a dealer in chemicals. The fee for such license shall be one dollar, and every such license shall continue in force until the first day of May next following the granting of the license, unless sooner terminated as hereinafter provided.

Special licenses may be granted for sale of pure alcohol for certain purposes.

**SECTION 2.** Any such license for the sale of pure alcohol for mechanical, manufacturing or chemical purposes shall become null and void, without any process or decree, whenever the person or persons to whom it has been granted shall cease to carry on the business of dealing in paints or in chemicals.

Licenses to become void under certain conditions.

**SECTION 3.** A book shall be kept by every dealer in paints or in chemicals to whom such license is granted, in which he shall enter at the time of every sale of alcohol the date thereof, the name and residence of the purchaser, stating the residence by street and number, if there be such, the quantity and price of the alcohol sold, and the purpose for which it is to be used. The pages of said book shall be divided into columns which shall be headed substantially as follows :—

Record to be kept of sales, etc.

DATE.	Name of Purchaser.	Residence, giving street and number, if there be such.	Quantity.	Price.	Purpose of Use.

To be open to inspection of certain officers.

SECTION 4. The book provided for in the preceding section shall at all times be open in the city of Boston to the inspection of the board of police, and in all the cities and towns of the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, constables, police officers, and justices of the peace.

P. S. 100, § 25, to apply.

SECTION 5. The provisions of section twenty-five of chapter one hundred of the Public Statutes shall apply to sales of alcohol by dealers in paints and dealers in chemicals.

Penalties.

SECTION 6. Any dealer in paints or dealer in chemicals, to whom such license is granted, who violates any of the provisions of sections three and four of this act, or who sells pure alcohol for any other use than for mechanical, manufacturing or chemical purposes shall, upon conviction thereof, be punished by fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. He shall in addition to said penalties forfeit his license and be disqualified to hold a license for the period of one year after his conviction, and if the licensee is the owner of the premises no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 7. This act shall take effect upon its passage.

*Approved May 13, 1897.*

**Chap. 399** AN ACT RELATIVE TO THE COMPENSATION TO BE PAID TO PERSONS PROSECUTING CLAIMS FOR BOUNTIES.

*Be it enacted, etc., as follows:*

Fees for prosecuting claims for bounties.

The fee for the prosecution of a claim for a bounty under chapter one hundred and seventy-nine of the acts of the year eighteen hundred and ninety-seven providing for the payment of bounties to Massachusetts soldiers from the treasury of the Commonwealth in certain cases, shall not exceed the sum of five dollars; and the fee agreed upon between the parties, not exceeding said amount, shall be paid to the attorney or other person entitled thereto, out of the bounty allowed, on the certificate of the commissioners allowing said claim. Any attorney or other person who demands or receives for his

services any greater compensation than the sum above-specified shall be deemed guilty of a misdemeanor, and shall, for every such offence, be punished by fine not exceeding one hundred dollars or by imprisonment at hard labor not exceeding six months, or by both such fine and imprisonment, in the discretion of the court. Penalty.

*Approved May 13, 1897.*

AN ACT TO PROVIDE THAT CERTAIN CLAIMS SHALL BE PREFERRED Chap. 400  
IN SETTLEMENTS BY RECEIVERS.

*Be it enacted, etc., as follows :*

In the settlement of estates by receivers the following claims shall be entitled to priority and to be first paid in full in their order : — Claims entitled to priority in the settlement of estates, etc.

First. All debts due to the United States, and all debts due to and taxes assessed by this Commonwealth, or by any county, city or town therein.

Second. Wages due to an operative, clerk or servant, to an amount not exceeding one hundred dollars, for labor performed within one year next preceding the appointment of such receivers, or for labor for the recovery of payment for which a suit commenced within one year after the performance thereof is pending, or has terminated within one year from said appointment.

Third. All debts due to physicians for medical attendance on the debtor or his family, rendered within six months prior to said appointment, to an amount not exceeding fifty dollars.

*Approved May 13, 1897.*

AN ACT TO INCLUDE THE TOWN OF NORTHBOROUGH WITHIN THE Chap. 401  
JUDICIAL DISTRICT OF THE SECOND DISTRICT COURT OF EASTERN WORCESTER.

*Be it enacted, etc., as follows :*

SECTION 1. The town of Northborough is hereby annexed to and made a part of the judicial district of the second district court of eastern Worcester: *provided, however,* that nothing herein contained shall affect any suit or other proceeding pending at the time of the passage of this act. Annexed to judicial district of second district court of eastern Worcester, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1897.*

**Chap.402**

## AN ACT RELATIVE TO ACTIONS UPON ASSIGNED CLAIMS.

*Be it enacted, etc., as follows :*Actions upon  
assigned claims.

SECTION 1. The assignee, by an assignment in writing of a non-negotiable legal chose in action, may maintain an action thereon, or prove a claim in insolvency, in his own name, subject however to all defences and to all rights of counter-claim, recoupment or set-off to which the defendant would have been entitled if the action had been brought by the assignee in the name of the assignor.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1897.***Chap.403**

## AN ACT TO INCLUDE THE TOWNS OF MANCHESTER AND ESSEX WITHIN THE JUDICIAL DISTRICT OF THE POLICE COURT OF GLOUCESTER.

*Be it enacted, etc., as follows :*Annexed to  
judicial district  
of police court  
of Gloucester,  
etc.

SECTION 1. The towns of Manchester and Essex are hereby annexed to and made a part of the judicial district under the jurisdiction of the police court of Gloucester: *provided, however,* that nothing herein contained shall affect any suit or other proceeding which may be pending at the time of the passage of this act.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1897.***Chap.404**

## AN ACT RELATIVE TO ATTACHMENTS.

*Be it enacted, etc., as follows :*Attachments of  
property may  
be dissolved,  
etc.

SECTION 1. When, in any civil proceeding, an attachment of property is made, the defendant may, if he so elects, dissolve said attachment by placing a sum of money in the hands of the officer making such attachment, equal at least to the amount of the ad damnum in the writ. The amount so deposited with said officer shall be held by him in the place of the property attached, subject to be disposed of in the same manner as the property attached, and the property attached shall thereupon be released from attachment.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1897.*

AN ACT RELATIVE TO CERTAIN LANDS IN FALL RIVER HERETOFORE *Chap.405*  
HELD FOR BURIAL PURPOSES.

*Be it enacted, etc., as follows :*

SECTION 1. The overseers of the Swansea monthly meeting of the Society of Friends, the Troy preparative meeting of Friends, the Fall River preparative meeting of Friends, and their successors and assigns or grantees, holding certain lands situated in the city of Fall River, and heretofore held for burial purposes, bounded northerly by Hood street, and extending along said street from the southwesterly corner of North Main and Hood streets to the present westerly terminus of said Hood street, and bounded easterly by said North Main street, as described on a plan to be filed in the registry of deeds for the Fall River district in the county of Bristol, are hereby authorized to convey said lands, or any part thereof, free from any trust or restriction as to burial purposes. And all deeds of the same heretofore executed are hereby confirmed and made valid to the same extent as if this act had been passed before the execution of such deeds; and no part of the lands herein mentioned, or included in the laying out of said Hood street, shall be hereafter used or held in trust for burial purposes.

Certain lands in Fall River held for burial purposes may be conveyed, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved May 13, 1897.*

AN ACT TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE HOUSE *Chap.406*  
OF CORRECTION IN THE COUNTY OF MIDDLESEX.

*Be it enacted, etc., as follows :*

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized and required to erect in the yard of the house of correction in Cambridge a suitable building to be used as a hospital for the sick, and for additional cells for prisoners, and in the erection of said building may make separate contracts for materials and construction if deemed desirable.

Improvements at house of correction in Cambridge.

SECTION 2. The said commissioners may borrow on the credit of said county, and expend for the purposes of this act, a sum not exceeding thirty thousand dollars, and may issue therefor the notes or bonds of the county; and one fifth of said sum shall be paid out of the taxes of the

May issue notes, etc.

year eighteen hundred and ninety-eight and one fifth out of the taxes of each succeeding year until the whole indebtedness incurred under this act is discharged.

*Approved May 13, 1897.*

**Chap.407** AN ACT TO ALLOW THE NEW ENGLAND COMMERCIAL TRAVELLERS' ASSOCIATION TO CONDUCT AN ACCIDENT INSURANCE BUSINESS AND GRANT BENEFITS TO ITS MEMBERS.

*Be it enacted, etc., as follows :*

1890, 421, etc.,  
may be adopted,  
etc.

The New England Commercial Travellers' Association may, with the approval of the insurance commissioner, adopt the provisions of chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety, as amended by chapter one hundred and two of the acts of the year eighteen hundred and ninety-six, and thereafter conduct its business in accordance with the provisions of said chapter as thus amended: *provided*, that its benefit contracts may continue as heretofore.

Proviso.

*Approved May 14, 1897.*

**Chap.408** AN ACT RELATIVE TO THE SALE OF THE OLD PUBLIC LIBRARY BUILDING OF THE CITY OF BOSTON.

*Be it enacted; etc., as follows :*

1889, 68, § 3,  
amended.

**SECTION 1.** Section three of chapter sixty-eight of the acts of the year eighteen hundred and eighty-nine is hereby amended by adding at the end thereof the following words: — Said trustees in making a sale of said land and building may take a mortgage thereof to said city for such sum and on such terms as said trustees, with the approval of the mayor, shall deem best, — so as to read as follows: —

Sale of old  
public library  
building of the  
city of Boston,  
etc.

**Section 3.** The said trustees shall hold the land and building now used for the central public library on Boylston street in said city, and shall, on or before the maturity of said loan, sell, in behalf of the said city, the said land and building, in such manner and for such sum as they shall deem best, and shall pay over the proceeds of said sale to the board of commissioners of sinking funds of said city, and the said treasurer shall also pay over to said board any premiums received by him in the sale of such bonds or certificates. The said board shall place all amounts so paid to them by said trustees and by said treasurer into the sinking fund for the payment of the loan hereby authorized. Said trustees in making a sale



of said land and building may take a mortgage thereof to said city for such sum and on such terms as said trustees, with the approval of the mayor, shall deem best.

SECTION 2. This act shall take effect upon its passage.

*Approved May 14, 1897.*

AN ACT DEFINING THE PENALTY FOR STEALING BICYCLES.

Chap.409

*Be it enacted, etc., as follows :*

Whoever is convicted of a second offence of larceny of a bicycle, if the property stolen exceeds the value of ten dollars, shall be punished by imprisonment in the state prison not exceeding five years, or by fine not less than one hundred dollars, or by imprisonment in the jail not less than three months.

Penalty for stealing bicycles.

*Approved May 18, 1897.*

AN ACT TO AUTHORIZE THE BROCKTON STREET RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF PARCELS.

Chap.410

*Be it enacted, etc., as follows :*

The Brockton Street Railway Company may act as a common carrier of small parcels weighing not more than twenty-five pounds each: *provided*, that said company shall not so act in the city of Brockton, or in any town, until authorized to do so by a two thirds vote of the voters of said city or town present and voting thereon at an annual or special election held for that purpose; and *provided, further*, that said company shall in the carrying of parcels be subject to such ordinances or by-laws as said city or town may make in relation thereto.

May act as a common carrier of small parcels, etc.

*Approved May 18, 1897.*

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE VISITORS OF THE THEOLOGICAL INSTITUTION IN PHILLIPS ACADEMY IN ANDOVER.

Chap.411

*Be it enacted, etc., as follows :*

SECTION 1. The meeting of the visitors of the Theological Institution in Phillips Academy in Andover, held in Hartford in the state of Connecticut on the twenty-fourth day of November in the year eighteen hundred and ninety-six, and the action taken thereat, shall have the same force and effect as if the meeting had been held and the acts had been done within this Commonwealth.

Certain proceedings confirmed.

SECTION 2. This act shall take effect upon its passage.

*Approved May 18, 1897.*

**Chap. 412****AN ACT RELATIVE TO PRISON LABOR.***Be it enacted, etc., as follows :*

Number of inmates of prisons who may be employed in certain industries.

**SECTION 1.** The number of inmates of all the prisons in this Commonwealth who may be employed in the industries hereinafter named shall be limited as follows :— In the manufacture of brushes not more than eighty ; in the manufacture of cane chairs with wood frames not more than eighty ; in the manufacture of clothing other than shirts or hosiery not more than three hundred and seventy-five ; in the manufacture of harnesses not more than fifty ; in the manufacture of mats not more than twenty ; in the manufacture of rattan chairs not more than seventy-five ; in the manufacture of rush chairs not more than seventy-five ; in the manufacture of shirts not more than eighty, and none but women to be so employed ; in the manufacture of shoes not more than three hundred and seventy-five ; in the manufacture of shoe-heels not more than one hundred and twenty-five ; in the manufacture of trunks not more than twenty ; to be employed at stone cutting not more than one hundred and fifty ; to be employed at laundry work not more than one hundred.

Number which may be employed in any one industry.

**SECTION 2.** Not over thirty per cent. of the number of inmates of any penal institution having more than one hundred inmates shall be employed in any one industry.

General superintendent of prisons not to approve employment of prisoners under certain contracts.

**SECTION 3.** After the first day of January in the year eighteen hundred and ninety-eight the general superintendent of prisons shall not approve the employment of any prisoners on the contract or piece price plan in the penal institutions of the Commonwealth, except in the industry of cane seating and in the manufacture of umbrellas. All existing contracts which can be terminated by notice shall be so terminated ; and the general superintendent of prisons and the principal officers of the prisons and reformatories are hereby directed to notify the contractors forthwith in accordance with the provisions of said contracts that the same will be terminated on the date named in this section.

Certain existing contracts to be terminated, etc.

Not to apply to certain prisoners.

**SECTION 4.** This act shall not apply to prisoners engaged in the manufacture of goods for use in the prisons or to be used in any of the public charitable institutions or hospitals of the Commonwealth.

Goods not to be sold for less than wholesale market price.

**SECTION 5.** No goods manufactured in any penal or reformatory institution of this Commonwealth, house of

correction or county jail, shall be sold for less than the wholesale market price prevailing at the time of such sale for goods of the same description and quality: *provided*, Proviso. that this section shall not apply to goods furnished to public institutions for the use of the inmates thereof.

SECTION 6. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

SECTION 7. This act shall take effect on the first day of January in the year eighteen hundred and ninety-eight. To take effect January 1, 1898.

*Approved May 18, 1897.*

AN ACT RELATIVE TO THE CONSTRUCTION, MAINTENANCE AND INSPECTION OF BUILDINGS IN THE CITY OF BOSTON. Chap. 413

*Be it enacted, etc., as follows:*

SECTION 1. Section seventeen of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out the whole of said section and inserting in place thereof the following:—*Section 17.* In this act the following terms shall have the meanings respectively assigned to them:—  
 “Alteration” means any change or addition. “Cellar” or “basement” is a lower story of which one half or more of the height from the bottom of the story to the under side of the floor joists of the story next above is below the mean grade of all the streets, or the mean grade of the natural ground adjoining the building: *provided*, that said grade of the ground is not below the grade of the street at the principal front. “Composite building” means a building part second class and part third class construction, and such buildings may be erected outside the building limits, with the approval of the building commissioner; *provided*, that the portion constructed second class conforms to all the requirements of law relating to second class buildings of like character or use, and the portion constructed third class conforms to all requirements of law relating to third class buildings of like character or use. “Dwelling” means a building used as a residence by not more than two families above the first story, nor by more than three families in any case, and “dwelling”, “dwelling houses” and “dwellings”, in sections thirty-one, thirty-six, thirty-seven and fifty-five of this act mean and include tenement and lodging houses as defined in this act. “External wall” means every outer wall or vertical enclosure of a building other

1892, 419, § 17, amended.

Certain terms defined.

Certain terms  
defined.

than a party wall. "First class building" means a building of fireproof construction throughout. "Foundation" means that portion of a wall below the level of the street curb, or, where the wall is not on a street, means that portion of the wall below the level of the highest ground next to the wall; but foundations of party or partition walls may be construed by the commissioner to mean that portion below the cellar floor. All foundations hereafter built or repaired shall be laid with mortar, as provided for in section nineteen of this act, and no foundation shall be laid dry. "Height of a building" means the vertical distance of the highest point of the roof above the mean grade of the curbs of all the streets or the mean grade of the natural ground adjoining the building, if the said grade of ground is not below the grade of the curb. "Height of a wall" means the height from the mean grade of the ground adjoining the wall, to the highest point of the wall. "Inspector" means the inspector of buildings of the city of Boston. "Lodging house" means a building in which persons are accommodated with sleeping apartments, and includes hotels and apartment houses where cooking is not done in the several apartments. "Party wall" means every wall used, or built to be used, as a separation of two or more buildings. "Partition wall" means any interior wall of masonry in a building. "Repairs" means any reconstruction or renewal of any existing part of a building, or of its fixtures or appurtenances, which does not lessen the strength or increase the fire risk of the building, and is not made, in the opinion of the commissioner, for the purpose of converting the building in whole or in part into a new one. "Second class building" means all buildings not of the first class, the external and party walls of which are of brick, stone, iron or other equally substantial and incombustible material. "Story of a building" means that portion of a building between the top of any floor beams and the top of the floor beams next above. "Tenement house" means a building which, or any portion of which, is occupied, or intended to be occupied, as a dwelling by more than three families living independently of one another and doing their cooking upon the premises; or by more than two families above the first story so living and cooking; and includes apartment houses, family hotels, and flat-houses, where families are so living and cooking. "Thickness of a wall" means

the minimum thickness of such wall. "Third class building" means any wooden frame building.

SECTION 2. Section twenty-two of said act is hereby amended by striking out in the fourth line, the word "wooden", and inserting in place thereof the words:—third class,—so as to read as follows:—*Section 22.* The city council of said city may by ordinance make such requirements, in addition to those contained in this act, as they may deem expedient in relation to the erection and alteration of third class buildings outside the building limits.

1892, 419, § 22, amended.

Erection, etc., of third class buildings.

SECTION 3. Section twenty-four of said act is hereby amended by striking out the whole of said section and inserting in place thereof the following:—*Section 24.* Every building hereafter erected over seventy feet in height shall be a first class building, and this provision shall apply to all buildings hereafter increased in height to over seventy feet. Every building hereafter erected or enlarged, or converted to use as a hotel or schoolhouse, shall be a first class building, and every tenement or lodging house hereafter erected shall be a first class building.

1892, 419, § 24, amended.

First class buildings.

SECTION 4. Section forty-two of said act is hereby amended by striking out the whole of said section and inserting in place thereof the following:—*Section 42.* In all buildings hereafter built all party walls and the partition walls required by this act shall be built through, and at least thirty inches above or distant from the roof boarding, at the nearest point; shall be entirely covered with stone or metal securely fastened, and corbelled to the outer edge of all projections: *provided*, that a gutter stone of suitable dimensions and properly balanced may be inserted in place of the corbelling; and *provided, further*, that in case of buildings not over forty-five feet in height the distance that any wall is carried above the roof boarding need not exceed twelve inches.

1892, 419, § 42, amended.

Walls to be at least thirty inches above roof boarding, etc.

Provision.

SECTION 5. Section fifty-eight of said act is hereby amended by striking out in the second line, the words "first and",—so as to read as follows:—*Section 58.* The ends of all wooden floor or roof beams in second class buildings shall enter the wall to a depth of at least four inches, unless the wall is properly corbelled so as to give a bearing of at least four inches; and the ends of all such beams shall be so shaped or arranged that in case of fire they may fall without injury to the wall.

1892, 419, § 58, amended.

Wooden floor or roof beams in second class buildings.

1892, 419, § 86,  
amended.

Projection of  
structures into  
or over public  
ways or  
squares.

SECTION 6. Section eighty-six of said act is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 86.* No structure, except cornices, water tables, bay windows, window caps and sills, and outside means of egress, as provided in chapter two hundred and ninety-three of the acts of the year eighteen hundred and ninety-three, and signs as provided in chapter three hundred and fifty-two of the acts of the year eighteen hundred and ninety-five, shall be placed upon any building so as to project into or over any public way or square, and no cornice shall project more than three feet.

1892, 419, § 103,  
amended.

Ventilation of  
halls, etc.

SECTION 7. Section one hundred and five of said act is hereby amended by striking out all after the word “provide”, in the fifth and sixth lines, and inserting in place thereof the words: — twenty-five cubic feet per minute of outer air for each occupant and for each light other than an electric light, — so as to read as follows: — *Section 105.* Every hall, auditorium or room of every building hereafter erected for or converted to use as a schoolhouse, factory, theatre or place of public assembly or entertainment shall have in continuous operation while occupied a system of ventilation so contrived as to provide twenty-five cubic feet per minute of outer air for each occupant and for each light other than an electric light.

1892, 419, § 107,  
amended.

External walls  
of certain  
buildings.

SECTION 8. Section one hundred and seven of said act is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 107.* The external walls of every building hereafter erected for or converted to use as a tenement or lodging house shall be of brick, stone or iron, and such walls of any such building which is not situated on an open space more than twenty feet in width shall not exceed thirty feet in height.

1892, 419, § 108,  
etc., amended.

Tenement and  
lodging houses  
to have open  
spaces, etc.

SECTION 9. Section one hundred and eight of said act, as amended by chapter two hundred and thirty-nine of the acts of the year eighteen hundred and ninety-five, is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 108.* No building hereafter erected for or converted to use as a tenement or lodging house, and no building hereafter enlarged or increased in height or area for said purposes, shall occupy above the level of the second floor more than sixty-five one hundredths part of the area of the lot meas-

ured to the middle line of the street or streets or passage-ways on which it abuts. Every such building shall have on at least two exposures on land of the owner, or as part of public ways, open spaces of at least ten feet in width, which spaces shall have an aggregate length of one foot for every twenty-five feet of superficial area actually occupied by the building. Such spaces shall be open to the sky and shall remain undiminished so long as the building is occupied as a tenement or lodging house. A clear space open from the ground to the sky shall be maintained across the whole rear of every such building not located on two streets forming a corner, and of a depth equal to one half the width of the street in front of such building: *provided*, that such space need not exceed the depth of twenty feet; and *provided, further*, that an equivalent area of open space in the rear or on either side of such building may be provided of different dimensions, with the consent of the building commissioner.

Provisos.

SECTION 10. This act shall take effect upon its passage.

*Approved May 21, 1897.*

AN ACT MAKING AN APPROPRIATION FOR AIDING TOWNS IN THE CONSTRUCTION AND MAINTENANCE OF BETTER ROADS.

Chap.414

*Be it enacted, etc., as follows:*

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for expenses in connection with aiding towns in the construction and maintenance of better roads, as authorized by chapter five hundred and thirteen of the acts of the year eighteen hundred and ninety-six.

Aid to towns in constructing and maintaining better roads.

SECTION 2. This act shall take effect upon its passage.

*Approved May 21, 1897.*

AN ACT TO PROVIDE FOR THE TERMINATION OF THE INVESTIGATION INTO THE AFFAIRS OF THE MASSACHUSETTS BENEFIT LIFE ASSOCIATION.

Chap.415

*Be it enacted, etc., as follows:*

SECTION 1. The commission appointed under the provisions of section three of chapter five hundred and fifteen of the acts of the year eighteen hundred and ninety-six to make an investigation of the management, business and affairs of the Massachusetts Benefit Life Association, shall

Termination of the investigation into the affairs of the Massachusetts Benefit Life Association.

complete their investigation forthwith, and shall make to the governor and council, within thirty days from the passage of this act, a complete report in detail of their findings, including all the evidence submitted to said commission relative to the conduct of the directors of the association, together with a statement of the amount of money received from said association by each of the incorporators and their successors, and of the amount of money taken from the treasury of the association by the late directors at the time they retired from the management of said association.

SECTION 2. This act shall take effect upon its passage.

*Approved May 21, 1897.*

**Chap.416** AN ACT TO AUTHORIZE ACTIONS OF TORT AGAINST GAS AND ELECTRIC LIGHT CORPORATIONS FOR THE LOSS OF LIFE BY NEGLIGENCE.

*Be it enacted, etc., as follows :*

Liability of gas and electric light corporations for loss of life by negligence, etc.

If by reason of the negligence or carelessness of a corporation operating a gas or electric light plant or system, or of the unfitness or gross negligence or carelessness of its servants or agents while engaged in its business, the life of a person who is exercising due diligence and who is not in the employment of such corporation, is lost, the corporation shall be liable in damages not exceeding five thousand dollars nor less than five hundred dollars, to be assessed with reference to the degree of culpability of said corporation or of its servants or agents, and to be recovered in an action of tort commenced within one year from the injury causing the death, by the executor or administrator of the deceased person, for the use of the widow and children of the deceased, in equal moieties; or if there are no children, for the use of the widow; or if there is no widow, for the use of the next of kin.

*Approved May 21, 1897.*

**Chap.417** AN ACT TO AUTHORIZE THE TOWN OF NATICK TO MAKE AN ADDITIONAL WATER LOAN.

*Be it enacted, etc., as follows :*

Natick Water Loan, Act of 1897.

SECTION 1. The town of Natick, for the purpose of extending, increasing and improving its water supply and water service, may borrow money from time to time and may issue negotiable notes, bonds or scrip therefor, to an



amount not exceeding one hundred thousand dollars in addition to the indebtedness already authorized for water purposes. Such bonds, notes or scrip shall be signed by the treasurer and countersigned by the selectmen of said town, and shall be denominated on the face thereof, Natick Water Loan, Act of 1897, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and bearing such rate of interest not exceeding six per cent. per annum as the treasurer of said town shall determine. The said town may sell such securities at public or private sale, or pledge the same for not less than the par value thereof for money borrowed for the purposes aforesaid, upon such terms and conditions as said town treasurer may deem proper, or as may be prescribed by said town. The sinking funds of any loans of said town may be invested in said bonds, notes or scrip.

Natick Water  
Loan, Act of  
1897.

SECTION 2. The said town shall provide, at the time of contracting any loan under the authority herein granted, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

SECTION 3. If the income derived from water rates shall be insufficient to pay the current annual expenses of operating its water works and the interest as it accrues on all its water indebtedness, and to make such contributions to the sinking fund as may be required by the provisions of this act, said town shall raise annually by taxation such further sum as may be necessary for said purposes.

Payment of  
expenses, etc.

SECTION 4. This act shall take effect upon its passage.

*Approved May 21, 1897.*

AN ACT RELATIVE TO THE COMMITMENT AND TRANSFER OF INSANE PERSONS.

Chap. 418

*Be it enacted, etc., as follows:*

In committing and transferring patients to and from institutions for the insane, in all cases where practicable trained nurses or attendants from such institutions shall be employed instead of officers of the law not specially appointed for that purpose, and female nurses or attendants shall be employed to accompany female patients.

Commitment  
and transfer  
of insane  
persons.

*Approved May 21, 1897.*

**Chap.419** AN ACT RELATIVE TO THE WATERING OF STREETS IN CITIES.*Be it enacted, etc., as follows :*

Cities may appropriate money for watering streets, etc.

SECTION 1. Any city may annually appropriate money for watering the public ways or certain public ways or portions thereof within its limits, at the expense, in whole or in part, of the city, and may determine that certain other public ways or portions thereof shall be watered at the expense, in whole or in part, of the abutters thereon.

Assessment of expense upon abutters, etc.

SECTION 2. If a city shall determine that the streets or certain streets or portions of streets within its limits shall be watered, in whole or in part, at the expense of the abutters, the expense of the watering of such streets or portions of streets for that municipal year, and the proportion of such expense to be borne by abutters, and the rate to be assessed upon each linear foot of frontage of estates upon such streets or portions thereof, shall be estimated and determined by the board of aldermen, and the expense so determined of such watering to be borne by the abutters shall be assessed in the manner hereinafter provided, upon the estates abutting on such streets or portions of streets, in proportion to the number of linear feet of each estate upon the street or portion thereof so watered.

Amount of assessments to be determined by board of aldermen, etc.

SECTION 3. The amount of such assessments upon each estate shall be determined in accordance with the provisions of section two of this act, by the board of aldermen, or according as the board of aldermen may designate, by the board of public works, board of street commissioners or superintendent of streets, or by any other officer; and such board or officer shall within a reasonable time after the first day of May of that municipal year make or cause to be made a list of the streets or portions of streets which the city has determined shall be watered, which list shall specify each estate abutting upon such street or portion thereof, the number of linear feet of each estate upon such street or portion thereof, the amount per such linear foot of the assessment so authorized, and the amount of such assessment on each estate, and shall certify and commit said list to the board of assessors of taxes of the city.

Assessment of taxes, etc.

SECTION 4. The board of assessors shall assess and include in the tax list and warrant for that municipal year committed by them to the collector of taxes, the assess-

ment upon each estate, as specified in the list committed to said board under the provisions of section three of this act, and such assessment shall be included in the tax bill issued for the annual tax on such estate for that municipal year, or, in case there shall be no such annual tax bill by reason of an estate being exempted from taxation, a bill shall be issued for such assessment in the same manner as if it was an annual tax bill, and such assessment shall be a lien upon each such estate and shall be levied, collected, reassessed to the person to whom such assessment ought to have been made, paid, apportioned, bear interest, and become payable in the same manner as, and shall be a part of, the tax for that year on such estate; but any abatement of any such assessment shall be made only by the board of assessors, upon a certificate recommending such abatement from the board or officer designated under the provisions of section three of this act to make and certify the list to the assessors.

Assessment to be a lien upon estate, etc.

SECTION 5. Chapter one hundred and seventy-nine of the acts of the year eighteen hundred and ninety-one is hereby repealed; but such repeal shall not affect any act done, any right accrued and established, any liability incurred, any proceeding pending, or any assessments made for the expense of watering streets, or the right to make such assessments under the provisions of said chapter one hundred and seventy-nine for the expense of watering streets, prior to the passage of this act.

Repeal, etc.

SECTION 6. This act shall take effect upon its passage.

*Approved May 21, 1897.*

AN ACT TO AUTHORIZE THE HOLYOKE STREET RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF FREIGHT AND SMALL PARCELS.

*Chap. 420*

*Be it enacted, etc., as follows:*

SECTION 1. The Holyoke Street Railway Company is hereby authorized to act as a common carrier of freight upon and over its tracks in the town of South Hadley and in that part of the city of Holyoke bounded southerly by Appleton street and westerly by the Second Level canal, so-called; and also to act as a common carrier of small parcels over and upon its tracks in Dwight street and in High street in said city, from the easterly line of said canal to the corner of High street and Appleton street,

May act as a common carrier of freight and small parcels, etc.

subject to such rules and restrictions as the aldermen of said city or the selectmen of said town may make in relation thereto, and also subject to the provisions of chapter seventy-three of the Public Statutes and of all laws relating to common carriers.

SECTION 2. This act shall take effect upon its passage.

*Approved May 21, 1897.*

**Chap. 421** AN ACT TO INCORPORATE THE LOMBARD LIQUIDATION COMPANY.

*Be it enacted, etc., as follows:*

Lombard  
Liquidation  
Company  
Incorporated.

SECTION 1. William W. Crapo, James Stillman and Frank K. Hipple, their associates and successors, are hereby made a corporation by the name of the Lombard Liquidation Company, for the purpose of taking, managing and liquidating the business, properties and affairs of the Lombard Investment Company and other companies and interests connected therewith; with all the powers and privileges and subject to all the duties and liabilities provided in chapter three hundred and eighty-seven of the acts of the year eighteen hundred and eighty-eight and acts in amendment thereof, except as herein provided.

Purposes of in-  
corporation,  
etc.

SECTION 2. Said corporation shall not guarantee the payment of the interest or principal of any bonds, notes or other evidences of indebtedness, nor issue debenture or other bonds, nor do any business except that which relates to and is necessary to the liquidation of the business, property, assets and affairs of the Lombard Investment Company and other companies and interests connected therewith, and such business as is necessary to the enforcement of the rights of the creditors and stockholders of said Lombard Investment Company and said other companies. Said corporation shall exist for the purposes of its incorporation for the period of ten years from and after the passage of this act and no longer.

Capital stock,  
etc.

SECTION 3. The capital stock of said corporation shall be five hundred thousand dollars, with shares of the par value of ten dollars each, divided, four fifths in preferred stock and one fifth in common stock. The holders of such preferred stock shall be entitled in liquidation to have their stock paid in priority to the common stock, and shall, in preference over the common stock, be entitled to a dividend of six per cent. per annum to be paid out of the net profits of the corporation, which dividends shall not be

cumulative. Such preferred stock shall have the same power of voting and transfer as said common stock, and shall be counted with said common stock in all questions of majorities and quorums.

SECTION 4. The transfer of the assets of the Lombard Investment Company and other companies and interests connected therewith, purchased by the said William W. Crapo, James Stillman and Frank K. Hipple, acting as a reorganization committee for and in behalf of the creditors and stockholders of said Lombard Investment Company and said other companies and interests connected therewith, shall constitute a payment of the capital stock of this company; and the said incorporators shall distribute the shares of said stock in the company to such creditors and stockholders as are entitled thereto, in the proportion of their respective interests; to the creditors of said companies the preferred stock, and to the stockholders of said companies the common stock of this company.

Payment of capital, etc.

SECTION 5. Said corporation shall, for the purpose of taxation, be subject to the provisions of chapter thirteen of the Public Statutes in relation to the taxation of corporation franchises, except that said corporation shall be entitled to have deducted from the amount of its corporate tax such taxes as are assessed and which said corporation is liable to pay upon its real estate wherever located, to be ascertained in the same manner as the value and amount of real estate and machinery subject to local taxation within the Commonwealth are ascertained and determined.

To be subject to P. S. 13, etc.

SECTION 6. This act shall take effect upon its passage.

*Approved May 21, 1897.*

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE FIRST DISTRICT COURT OF EASTERN MIDDLESEX.

*Chap. 422*

*Be it enacted, etc., as follows:*

SECTION 1. The salary of the clerk of the first district court of eastern Middlesex shall be sixteen hundred dollars a year, to be so allowed from the first day of January in the year eighteen hundred and ninety-seven.

Clerk of first district court of eastern Middlesex.

SECTION 2. This act shall take effect upon its passage.

*Approved May 22, 1897.*

**Chap.423** AN ACT RELATIVE TO THE LIABILITY OF OFFICERS AND STOCKHOLDERS IN FOREIGN CORPORATIONS DOING BUSINESS IN THIS COMMONWEALTH.

*Be it enacted, etc., as follows :*

1896, 391, § 2,  
amended.

Liability when  
certain property  
is not conveyed  
and taken at a  
fair valuation,  
etc.

Proviso.

Section two of chapter three hundred and ninety-one of the acts of the year eighteen hundred and ninety-six is hereby amended by adding after the word "debts", in the eleventh line, the following : — *provided, however, that* no such officer, member or stockholder shall be liable hereunder for, and this act shall not apply to, any bonded indebtedness or mortgage debt of such corporation ; also by striking out the word "sixty-nine", in the thirteenth line, and inserting in place thereof the word : — sixty, — so as to read as follows : — *Section 2.* If the capital stock of any corporation subject to section one of this act has been paid in by a conveyance to the corporation of property, real or personal, the officers, members or stockholders of such corporation shall be jointly and severally liable for its debts or contracts, if said property is not conveyed and taken at a fair valuation. But only those officers or stockholders who participate in the conveyance or taking of such property at such unfair valuation, or those stockholders who have purchased or received their shares with knowledge of said fact, shall be liable for such debts : *provided, however, that* no such officer, member or stockholder shall be liable hereunder for, and this act shall not apply to, any bonded indebtedness or mortgage debt of such corporation. The extent and manner of enforcing such liability shall be the same as provided in sections sixty to seventy-one inclusive of chapter one hundred and six of the Public Statutes in the case of domestic corporations.

*Approved May 22, 1897.*

**Chap.424**

AN ACT RELATIVE TO MARRIAGES.

*Be it enacted, etc., as follows :*

Penalty for  
illegal alteration  
on a certificate  
of intention of  
marriage, etc.

**SECTION 1.** No alteration or erasure shall be made by any person on a certificate of intention of marriage issued by any town clerk, city clerk or registrar, until after the same shall have been returned to the possession of such clerk or registrar, and then only in such form and to such extent as said clerk or registrar may prescribe. Any such certificate may be recorded after correction in accordance herewith. Any person making an

illegal alteration or erasure shall be liable to a fine not exceeding one hundred dollars.

SECTION 2. Whenever any certificate of marriage is returned to any town clerk, city clerk or registrar, and has been found to have been incorrectly filled out by the person solemnizing a marriage under the same, such clerk or registrar shall proceed to have the same corrected, and to enforce the penalties, if any, provided by law in relation thereto. All such imperfect certificates shall be recorded and indexed by such clerk or registrar.

Corrections in certificates of marriage, etc.

SECTION 3. A town by vote and a city by ordinance may authorize its clerk or registrar to pay on demand, in his office, the sum of twenty-five cents to any person legally solemnizing a marriage in this Commonwealth, after the receipt by such clerk or registrar of the certificate in legal form of the solemnization of such marriage. Towns and cities in which the clerks or registrars thereof are authorized to make such payment shall annually appropriate the money necessary therefor, and such clerks or registrars shall file quarterly with the treasurers or other proper financial officers of said towns and cities proper vouchers for all payments made by them under the provisions of this section.

Cities and towns may pay a certain sum to persons solemnizing marriages, etc.

SECTION 4. If either of the parties to an intended marriage has been legally adopted, such party shall, on the notice of intention of such marriage, give the names of his or her parents by such adoption; but the names of the natural parents of such party may also be added. Whenever the consent of a parent of a minor is required by law as a preliminary to marriage the consent of a parent by adoption of such minor, if any, shall be sufficient. In case the natural parents of a minor have been divorced and the consent of one of such parents is required by law, preliminary to the marriage of such minor, the consent of the parent having the custody of such minor shall be sufficient.

Notice of intention of marriage of adopted persons, consent of parents of minors, etc.

SECTION 5. The words "official station", as used of a person solemnizing a marriage, in chapter three hundred of the acts of the year eighteen hundred and ninety-two, shall be taken and deemed to mean the office by virtue of which said person solemnizes such a marriage; and to describe such office in returns of marriages the words "justice of the peace", "minister of the gospel", "clergyman", "priest", or "rabbi", only shall be used.

Term "official station" defined, etc.

*Approved May 22, 1897.*

**Chap. 425** AN ACT TO AUTHORIZE THE GREAT BARRINGTON FIRE DISTRICT TO INCUR ADDITIONAL INDEBTEDNESS FOR THE PURPOSE OF COMPLETING ITS SYSTEM OF WATER SUPPLY.

*Be it enacted, etc., as follows :*

May issue  
bonds, notes or  
scrip, etc.

SECTION 1. The Great Barrington Fire District, for the purposes set forth in chapter three hundred and sixty-six of the acts of the year eighteen hundred and ninety-three, may issue from time to time bonds, notes or scrip, to an amount not exceeding five thousand dollars in addition to any amounts heretofore authorized to be issued by said district. Said bonds, notes or scrip shall be made payable within periods not exceeding thirty years from the date of issue. Except as herein otherwise provided the provisions of said chapter three hundred and sixty-six shall apply to the indebtedness hereby authorized and to the securities issued therefor, in the same manner as if said indebtedness had formed a part of the original loan authorized by said act.

SECTION 2. This act shall take effect upon its passage.

*Approved May 22, 1897.*

**Chap. 426** AN ACT RELATIVE TO THE SEWERAGE WORKS OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows :*

Construction,  
etc., of sewer-  
age works in  
the city of  
Boston, etc.

SECTION 1. The city council of the city of Boston shall annually appropriate, to be met by the issue of bonds as hereinafter provided, sums not exceeding one million dollars in any one year, for constructing sewerage works in said city, and shall also appropriate, to be met by the annual charges hereinafter provided for, such sums as the mayor of said city shall deem sufficient for maintaining and operating the sewerage works, and such sums as the city treasurer of said city shall each year determine to be the amount to be used for the sinking funds for bonds issued for sewerage works, which, with all other amounts so used and their accumulations, will pay all such bonds at maturity; and there shall also be used for said sinking funds all premiums received from the sale of said bonds, and all amounts received for breach of any contract for constructing sewerage works, or for securities deposited as security for making such contracts and declared to be forfeited to the city, or for



sales of property. All sewers, drains, pumping stations and other works for the collection or disposal of sewage, or surface or ground water in said city, shall be included in the term "sewerage work", as used in this act, and no such work shall hereafter be constructed in said city, except under authority of this act, unless the same has been ordered to be constructed before the passage thereof.

SECTION 2. The board of street commissioners of said city from time to time, with the approval of the mayor, may order that sewers or drains be constructed in said city; that streams or water courses within the limits of said city be filled up or diverted from their original channels; that any such channel or any new channel be widened, deepened, paved or covered; that closed or open sewers or conduits be constructed for the drainage of lands, or that any part of any such stream or water course be so treated, or that any one or more of such things be done.

Street commissioners may order the construction of sewers, etc.

SECTION 3. Said board may take for said city by purchase or otherwise any lands in fee, and any rights or easements in lands, sewers, water courses and ways, which said board may deem necessary for sewerage works, and in order to take any such lands, water courses, rights or easements other than by purchase, said board, or a majority thereof, shall sign and cause to be recorded in the registry of deeds for the county of Suffolk a statement that the same are taken for sewerage works, describing the same as certainly as is required in a common conveyance of land, and the lands, water courses, rights or easements so described shall upon such recording become the property of said city.

May take certain lands, water courses, etc.

SECTION 4. The superintendent of streets or such other officer as the mayor of said city shall from time to time direct shall carry out such order, and may at the expense of said city construct and maintain such work under or over any water course or private land, railroad or public way, in such manner as not to unnecessarily obstruct or impede public travel, and may alter or change the location or grade of any public way in which any such work is constructed, may alter or change the course of any water course, and in general may do any other act or thing deemed by him to be necessary in constructing or maintaining such work.

May construct, etc., under or over private land, change location of public ways, etc.

**Damages.**

SECTION 5. Said city shall pay all damages sustained by the owner of any land, water course, right or easement taken by said board, or injured in any manner, or by any person, in doing any act or thing under section four of this act, the same to be agreed upon by said board with the approval of the mayor and said owner, and if they cannot agree the damages shall, on the petition of said owner or mayor, be determined by a jury of the superior court for the county of Middlesex in the manner provided by law with respect to lands taken for highways in said city of Boston, and costs shall be taxed and execution issued in favor of the prevailing party, as in civil cases. Any person whose water rights are thus taken or injured may apply as aforesaid within three years from the time of such taking or injury, and not afterwards.

**Sewerage  
Loan.**

SECTION 6. The treasurer of said city, to meet the expenses incurred in constructing any sewerage works heretofore or hereafter ordered to be constructed in said city, shall from time to time on the request of said board, approved by the mayor, issue to the total amount appropriated, but not exceeding one million dollars in any one year, bonds of said city, registered or coupon, as said treasurer shall from time to time determine, and the same shall not be considered in determining the limit of indebtedness of said city; said bonds shall have printed on the face thereof the words, Sewerage Loan; shall be countersigned by the mayor and be made payable in terms of thirty years from their date; and shall bear such rates of interest not exceeding four per cent. per annum, payable semi-annually on the first day of January and the first day of July of each year, and be issued and disposed of in such amounts, in such modes, and at such times and prices, as said treasurer with the approval of the mayor shall from time to time determine.

**Determination  
of sewerage  
charges, etc.**

SECTION 7. The board of street commissioners, with the approval of the mayor, shall annually before the first day of July determine just and equitable sewerage charges to be paid by estates in said city for the construction, maintenance and operation of the sewerage works, taking into consideration in determining the charges the necessity of the works as caused by each estate, the amount of use thereof, if any, by the estate or its

occupants, the benefit received therefrom by the estate, the amount of any assessment for a sewer paid by any owner of the estate, the length of time which has elapsed since such payment, and the use, if any, that has heretofore been made of the sewerage works by the occupants of the estate, and such other matters as they shall deem just and proper. The determination of such charges as aforesaid shall be final in all cases, and the amount thereof as determined for each estate shall be a lien thereon until paid, and said board shall notify the board of assessors of said city of the amount thereof forthwith after it has been determined, and the same shall be included in the next tax bill on the estate transmitted by said board to the collector, or in a tax bill therefor if no other tax bill is issued for such estate, and be collected as a part of the taxes on the estate.

To be a lien upon estate, etc.

SECTION 8. All sewers and connections ordered to be made in constructing any way under the authority of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, and of acts in amendment thereof or in addition thereto, shall be deemed to be constructed under the authority of this act, and the expenses therefor shall not be considered in determining the assessable cost of work, to be assessed under the authority of said acts.

Certain sewers and connections to be deemed to be made under authority of this act, etc.

SECTION 9. No person shall destroy or injure any sewerage work of said city, or without lawful authority therefor pollute or place or maintain any obstruction in any natural water course therein; and whoever violates any provision of this section shall for each offence be punished by a fine not exceeding one thousand dollars or by imprisonment in the house of correction not exceeding six months, or by both such fine and imprisonment.

Penalty for injury to sewerage work, etc.

SECTION 10. The supreme judicial court and any justice thereof, and the superior court and any justice thereof, shall have jurisdiction in equity, on the complaint of said city by its attorney, to enforce the provisions of this act and to prevent any violation thereof.

Enforcement of provisions, etc.

*Approved May 22, 1897.*

AN ACT TO PROTECT CREDITORS OF INSOLVENT DEBTORS.

*Chap. 427*

*Be it enacted, etc., as follows:*

SECTION 1. A creditor having a claim against an insolvent debtor, that was omitted from the schedule of

Recovery of certain claims against insolvent debtors.

creditors as filed by said debtor, and who has not proved his claim, may recover of the debtor in an action at law, notwithstanding said debtor's discharge in insolvency, the same dividend that the other creditors received who proved their claims; but this act shall be subject to the provisions of section eighty-four of chapter one hundred and fifty-seven of the Public Statutes and any amendment thereof.

SECTION 2. This act shall take effect upon its passage.

*Approved May 22, 1897.*

**Chap.428** AN ACT RELATIVE TO THE POWERS AND DUTIES OF TOWN OFFICERS.  
*Be it enacted, etc., as follows:*

Tree wardens  
and park com-  
missioners in  
towns, powers  
and duties.

SECTION 1. Tree wardens or park commissioners, when chosen in towns, shall have full care and control of all public shade trees in the town, have charge of the expenditure of all public funds appropriated or granted for setting out shade trees, and perform such other duties as are prescribed in chapter one hundred and ninety of the acts of the year eighteen hundred and ninety-six, entitled "An Act to provide for the preservation of public shade trees and to authorize towns to elect tree wardens."

Duties of board  
of health in  
certain towns.

SECTION 2. In each town, having a population of more than five thousand, the board of health shall have charge of all matters relative to the licensing of slaughtering houses and stables in the town, and shall send an annual report of the deaths in such town to the state board of health. The form of such reports shall be prescribed and furnished by the state board of health.

*Approved May 25, 1897.*

**Chap.429** AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF HENRY P. GOODE.

*Be it enacted, etc., as follows:*

Widow of  
Henry P.  
Goode.

SECTION 1. The city of Boston is hereby authorized to pay to the widow of Henry P. Goode late an employee of the health department in said city, the balance of the salary to which he would have been entitled had he lived and continued to hold his office until the end of the year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved May 25, 1897.*

AN ACT TO PROVIDE FOR THE EMPLOYMENT OF TWO SPECIAL AGENTS IN THE BUREAU OF STATISTICS OF LABOR, AND TO ESTABLISH SALARIES THEREIN.

*Chap. 430*

*Be it enacted, etc., as follows :*

SECTION 1. The chief of the bureau of statistics of labor may employ in his department two special agents who shall each receive a salary of twelve hundred dollars a year, and at the same rate for any portion of a year.

Bureau of statistics of labor, special agents.

SECTION 2. The salary of the chief of said bureau shall be three thousand dollars a year; of the first clerk two thousand dollars a year; and of the second clerk sixteen hundred and fifty dollars a year, each to be so allowed from the first day of January in the year eighteen hundred and ninety-seven.

Compensation of chief, etc.

SECTION 3. This act shall take effect upon its passage.

*Approved May 25, 1897.*

AN ACT RELATIVE TO PRACTICE IN MUNICIPAL, POLICE AND DISTRICT COURTS.

*Chap. 431*

*Be it enacted, etc., as follows :*

SECTION 1. The municipal, police and district courts of the Commonwealth shall always be open for the transaction of civil business; but no such business shall be transacted on Sunday, except only such business as shall, in the opinion of the justice of the court to whom application may be made, be of pressing necessity. The time for the entry of judgment in all civil actions and proceedings ripe for judgment in said courts respectively shall be ten o'clock in the forenoon on Friday of each week.

Transaction of civil business in certain courts, etc.

SECTION 2. This act shall take effect on the first day of August in the year eighteen hundred and ninety-seven.

To take effect August 1, 1897.

*Approved May 26, 1897.*

AN ACT MAKING APPROPRIATIONS FOR THE NEW STATE NORMAL SCHOOL AT LOWELL, FOR IMPROVEMENTS AT THE STATE FARM, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

*Chap. 432*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes

Appropriations.

specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit:—

Normal school  
at Lowell.

For completing the furnishing and equipment of the new state normal school at Lowell, as authorized by chapter thirty-seven of the resolves of the present year, a sum not exceeding twenty thousand dollars.

Assistant district  
attorney  
for the southern  
district.

For the salary of the assistant district attorney for the southern district, as authorized by chapter three hundred and six of the acts of the present year, a sum not exceeding eight hundred dollars.

Special plans  
of state house  
extension.

For making and completing special plans of the state house extension, as authorized by chapter forty-eight of the resolves of the present year, a sum not exceeding six thousand dollars.

Index of war  
records, etc.

For completing the index of the war records, and re-writing the war record books in the office of the adjutant general, as authorized by chapter forty-nine of the resolves of the present year, the sum of fifteen hundred dollars.

William H.  
Morton.

For William H. Morton, as authorized by chapter fifty of the resolves of the present year, the sum of three hundred dollars.

Copies of  
report of com-  
mission to  
investigate  
charitable and  
reformatory  
interests, etc.

For additional copies of the report of the commission to investigate the public charitable and reformatory interests and institutions of the Commonwealth, as authorized by chapter fifty-one of the resolves of the present year, a sum not exceeding eighteen dollars.

Special report  
on employing  
prisoners on  
public works,  
etc.

For a special report on the various methods of employing prisoners on public works and lands, as authorized by chapter fifty-two of the resolves of the present year, a sum not exceeding nine hundred dollars.

Repairing fish-  
way over Law-  
rence dam.

For repairing the fishway over the Lawrence dam, as authorized by chapter fifty-three of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Tennessee  
exposition.

For expenses in connection with the Tennessee centennial and international exposition, as authorized by chapter fifty-four of the resolves of the present year, a sum not exceeding five thousand dollars.

Reformatory  
prison for  
women.

For repairs at the reformatory prison for women, as authorized by chapter fifty-five of the resolves of the present year, a sum not exceeding five thousand three hundred and fifty dollars.

For certain improvements at the asylum for insane criminals at the state farm, as authorized by chapter fifty-six of the resolves of the present year, a sum not exceeding eighteen thousand three hundred dollars.

Asylum for  
insane criminals  
at state  
farm.

For the erection of a new prison building and for certain other improvements at the state farm, as authorized by chapter fifty-seven of the resolves of the present year, a sum not exceeding forty-two thousand five hundred dollars.

Improvements  
at state farm.

For the protection of the western bank of the Connecticut river in the town of Agawam, as authorized by chapter fifty-eight of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

Protection of  
western bank  
of Connecticut  
river in  
Agawam.

For certain repairs at the Massachusetts reformatory, as authorized by chapter sixty of the resolves of the present year, a sum not exceeding thirteen thousand dollars.

Massachusetts  
reformatory.

For necessary repairs to the warden's, deputy warden's and officers' houses at the state prison, a sum not exceeding five hundred dollars.

Repairs at state  
prison.

For additional rent, and for fitting up a room for the use of the railroad commissioners, a sum not exceeding thirteen hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Room for  
railroad com-  
missioners.

For contingent expenses of the governor and council, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Governor and  
council, contin-  
gent expenses.

For clerical assistance in the office of the register of probate and insolvency for the county of Suffolk, as authorized by chapter three hundred and seventeen of the acts of the present year, a sum not exceeding eighteen hundred dollars.

Clerical assist-  
ance.

For expenses in connection with establishing the boundary line between the towns of Gay Head and Chilmark, as authorized by chapter three hundred and twenty-three of the acts of the present year, a sum not exceeding two thousand dollars.

Boundary line  
between Gay  
Head and  
Chilmark.

To provide for the examination of certain cattle for the purpose of determining the effectiveness of the tuberculin test, as authorized by chapter sixty-one of the resolves of the present year, a sum not exceeding eighteen hundred dollars.

Examination of  
certain cattle.

Elise B. Dale,  
widow of  
William J.  
Dale, Jr.

For Elise B. Dale, widow of William J. Dale, Junior, as authorized by chapter sixty-two of the resolves of the present year, the sum of five hundred thirty-four dollars and seventy-three cents.

Deputy super-  
intendent of  
reformatory  
prison for  
women.

For the salary of the deputy superintendent of the reformatory prison for women, as authorized by chapter three hundred and twenty-nine of the acts of the present year, the sum of one hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Decennial  
census.

For printing and binding the decennial census of the year eighteen hundred and ninety-five, as provided for by chapter fifty-two of the resolves of the year eighteen hundred and ninety-five, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Agents of com-  
missioners of  
prisons.

For the salaries of the agents of the commissioners of prisons, as authorized by chapter three hundred and fifty of the acts of the present year, a sum not exceeding eleven hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Agent for aiding  
discharged  
female pris-  
oners.

For the salary of the agent for aiding discharged female prisoners, as authorized by chapter three hundred and fifty of the acts of the present year, a sum not exceeding one hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Chief of  
archives divi-  
sion.

For the salary of the chief of the archives division in the office of the secretary of the Commonwealth, as provided for by chapter three hundred and fifty-one of the acts of the present year, the sum of fourteen hundred dollars.

Old Colony  
commission.

For expenses of the Old Colony commission, as authorized by chapter three hundred and fifty-two of the acts of the present year, a sum not exceeding five hundred dollars.

State alms-  
house.

For certain repairs and improvements at the state almshouse, as authorized by chapter sixty-three of the resolves of the present year, a sum not exceeding eleven thousand five hundred dollars.

Massachusetts  
School for  
Feeble-minded.

For the purchase of land for the use of the Massachusetts School for the Feeble-minded, as authorized by chapter sixty-four of the resolves of the present year, a sum not exceeding twenty thousand dollars.



For the erection of a building for the state industrial school, as authorized by chapter sixty-five of the resolves of the present year, a sum not exceeding eighteen thousand nine hundred and fifty dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved May 26, 1897.*

AN ACT TO AUTHORIZE THE TOWNS OF ASHBY AND TOWNSEND TO UNITE IN EMPLOYING A SUPERINTENDENT OF SCHOOLS.

*Chap. 433*

*Be it enacted, etc., as follows:*

SECTION 1. The towns of Ashby and Townsend, after their acceptance of this act, notwithstanding that said towns do not contain twenty-five schools, are hereby authorized to unite for the purpose of the employment of a superintendent of schools, and shall have the same right to receive an allowance from the state treasury and be subject to the same duties and liabilities as other towns so authorized under the provisions of chapter four hundred and thirty-one of the acts of the year eighteen hundred and eighty-eight and acts in amendment thereof.

Ashby and Townsend may unite in employing a superintendent of schools.

SECTION 2. This act shall take effect upon its passage.

*Approved May 26, 1897.*

AN ACT RELATIVE TO THE LABOR OF PRISONERS IN THE JAILS AND AT THE STATE FARM.

*Chap. 434*

*Be it enacted, etc., as follows:*

SECTION 1. The laws relating to the labor of prisoners in the state prison, reformatories and houses of correction shall apply to the labor of prisoners in the jails and at the state farm; and the general superintendent of prisons shall have the same authority over the industries in the jails and at the state farm which he now has in respect to the industries in said state prison, reformatories and houses of correction.

Labor of certain prisoners.

SECTION 2. This act shall take effect upon its passage.

*Approved May 26, 1897.*

AN ACT RELATIVE TO THE CONSTRUCTION OF A PUBLIC HIGHWAY IN THE TOWN OF BOURNE.

*Chap. 435*

*Be it enacted, etc., as follows:*

SECTION 1. Section two of chapter one hundred and thirty-nine of the acts of the year eighteen hundred and

1896, 139, § 2, amended.

Crossing tracks  
of Old Colony  
Railroad Com-  
pany.

Proviso.

ninety-six is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 2.* Nothing in this act shall be construed to authorize the creation of any grade crossings over the tracks of the Old Colony Railroad Company. In case any portion of the highway laid out under this act would cross said tracks said crossing shall be effected with a separation of grades, and the provisions of law relating to the abolition of grade crossings shall apply to any such crossing by said highway, and the expense of said crossing shall be apportioned and paid as in case of the abolition of an existing grade crossing: *provided*, that commissioners appointed upon petition for the abolition of any other grade crossing or crossings in the town of Bourne shall decide that said crossing is a substitute for such other crossing or crossings by them abolished.

SECTION 2. This act shall take effect upon its passage.

*Approved May 26, 1897.*

**Chap. 436** AN ACT TO PROVIDE AN ADDITIONAL OUTLET FOR THE SEWAGE OF THE TOWN OF STONEHAM.

*Be it enacted, etc., as follows:*

Branch sewer  
to be con-  
structed as an  
outlet for the  
sewage of  
Stoneham.

Proviso.

SECTION 1. The metropolitan sewerage commissioners are hereby authorized and instructed to cause to be constructed a branch sewer connecting with the system of sewers built, or to be built, under the direction of said commissioners in the town of Melrose, which will extend to the line between Melrose and Stoneham and reach said line in Franklin Street; said branch sewer to serve when necessary as an outlet for the sewage of the town of Stoneham at that point. The town of Melrose shall have the right to make and maintain house connections with said branch sewer and connect lateral sewers therewith, in the same manner as with the present sewers of said town, under the direction of said commissioners: *provided, however*, that for the purpose of assessment and taxation said sewer shall be treated as a local sewer of said town of Melrose, and assessments shall be made therefor by said town according to such scheme or plan as may be adopted by said town for its local sewers, and such sums as may be assessed therefor shall be paid by the treasurer of said town into the treasury of the Commonwealth, and shall be credited to and form a part of the fund known as the Metropolitan Sewer-

age Loan Fund, authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty nine and acts in amendment thereof.

SECTION 2. In providing said outlet for the sewage of the town of Stoneham and in receiving sewage from said town, and in any action relating thereto, and for the purpose of taking, constructing and maintaining said branch sewer, said commissioners, acting on behalf of the Commonwealth, shall have and exercise all the authority conferred upon them by chapter four hundred and thirty nine of the acts of the year eighteen hundred and eighty-nine, and by acts in amendment thereof, regarding the original system or anything relating thereto; and all the provisions of said chapter are hereby made applicable to this additional taking and construction, except as otherwise herein provided.

Metropolitan sewerage commissioners to exercise certain authority, etc.

SECTION 3. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding ten thousand dollars, for a term not exceeding thirty-four years. All the provisions of section three of chapter four hundred and fourteen of the acts of the year eighteen hundred and ninety-six relative to the indebtedness authorized to be incurred by said chapter shall apply to the indebtedness authorized by this section, in the same manner as if said provisions had been inserted at length in this act.

Treasurer and receiver general to issue scrip, etc.

SECTION 4. The interest and sinking fund requirements of the moneys expended in constructing the branch sewer provided for in this act, and the cost and maintenance thereof, shall be deemed a part of the interest, sinking fund requirements and costs specified in section fifteen of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, and shall be paid as provided for in said section.

Payment of expenses, etc.

SECTION 5. This act shall take effect upon its passage.

*Approved May 26, 1897.*

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AN ACT RELATIVE TO THE BURIAL OF HUMAN BODIES.

*Be it enacted, etc., as follows:*

*Chap. 437*

SECTION 1. No undertaker or other person shall bury a human body in a city or town, or remove therefrom a

Permit to be procured for burial or

removal of a  
human body,  
etc.

human body which has not been buried, except as provided in section two of this act, until he shall have received a permit so to do from the board of health, other than the selectmen, or its agent duly appointed for the purpose of issuing such permits, or if there is no such board from the clerk of the city or town in which the person died; and no undertaker or other person shall exhume and remove a human body from a city or town, or from one cemetery to another, until he shall have received a permit so to do from the board of health or its agent aforesaid, or from the clerk of the city or town in which the body is buried. No such permit shall be issued until there shall have been duly delivered to such board, or agent, or clerk, as the case may be, a satisfactory written statement containing the facts required by law to be returned and recorded, which statement in every case of an original interment shall be accompanied by a satisfactory certificate of the attending physician, if any, as required by law, or in lieu thereof a certificate as hereinafter provided. If there is no attending physician, or if the certificate of the attending physician cannot be obtained, for good and sufficient reasons, early enough for the purpose, or is insufficient, the chairman of the board of health, if a physician, or any physician employed by said board or by the selectmen for the purpose, shall upon application make such certificate as is required of the attending physician; and in case of death by violence the medical examiner only shall make the same. When such satisfactory statement and certificate are delivered to the board of health or to its agent the board or agent shall forthwith countersign and transmit the same to the clerk of the city or town for registration. The person to whom the permit is so given, and the physician who certifies to the cause of death, shall thereafter furnish for registration any other necessary information that can be obtained as to the deceased, or as to the manner or cause of the death, which the clerk or registrar may require.

Burial of  
human bodies  
or ashes thereof  
brought from  
without the  
limits of the  
Common-  
wealth.

SECTION 2. No undertaker or other person shall bury in a city or town a human body or the ashes thereof brought into this Commonwealth from without its limits until he shall have received a permit so to do from the board of health, other than the selectmen, or its agent duly appointed to issue such permits, or if there is no

such board, from the clerk of the city or town in which the body is to be buried or the funeral rites are to be held: *provided, however*, that if there is a person duly appointed to have the care of the cemetery or burial ground in which the interment is made, and there is a record kept of the names of all persons buried therein, or if there is a duly appointed superintendent of burials in such city or town who keeps a record of interments, said permit may be issued by such person having such care or by said superintendent of burials. Said permit may be granted upon delivery to said board, agent, clerk, superintendent or person having such care, as the case may be, of a certificate giving the name of the deceased person, his age as nearly as can be ascertained, the cause of death, the name of the city or town where he last resided or from which the body was brought, or, if the death occurred at sea, the name of the vessel upon which it occurred, and any other facts required for record which could be obtained with reasonable exertion. When such certificate is delivered to the board of health, or to its agent, or to the superintendent or person having such care, the board, agent, superintendent or person having such care shall forthwith countersign and transmit the same to the clerk of the city or town; and if the deceased person was at the time of his decease a resident of said city or town the clerk shall record the same in the books kept for recording deaths; but if the deceased was at the time of his death a resident of any other city or town within this Commonwealth said clerk shall forthwith forward to the clerk of such other city or town a certified copy of the certificate mentioned in this section.

*Proviso.*

**SECTION 3.** No person having the care of a cemetery or burial ground shall permit a human body to be buried therein or removed therefrom, or permit the ashes of a human body to be removed therefrom, until there has been delivered to him the permit for the burial or removal of said body or ashes, nor permit the ashes of a human body to be buried therein until there has been delivered to him a certificate that the burial permit and the certificate of the medical examiner prerequisite to the cremating of said body have been duly presented.

Permit to be delivered before the burial or removal of a human body, etc.

**SECTION 4.** No undertaker shall bury the ashes of a human body which has been cremated until he has received from the person having the charge of the crematory

Undertakers not to bury ashes of a human body without a certificate, etc.

a certificate that the burial permit and the certificate of the medical examiner prerequisite to the cremating of said body have been duly presented.

Penalty.

SECTION 5. Any person violating the provisions of either of the four preceding sections shall forfeit not exceeding fifty dollars.

Removal of  
bodies of per-  
sons who have  
died of danger-  
ous diseases.

SECTION 6. No railroad corporation or other common carrier or person shall convey or cause to be conveyed, through or from any city or town in this Commonwealth, the remains of any person who has died of smallpox, scarlet fever, diphtheria or typhus fever, until such body has been so encased and prepared as to preclude any danger of communicating the disease to others by its transportation; and no city or town clerk, or clerk or agent of the board of health, shall give a permit for the removal of such body until he has received from the board of health of the city or from the selectmen of the town where the death occurred a certificate stating the cause of death, and that said body has been prepared in the manner set forth in this section, which certificate shall be delivered to the agent or person who receives the body. Any person violating the provisions of this section shall forfeit not exceeding twenty-five dollars.

Penalty.

Licensing of  
undertakers.

SECTION 7. The boards of health of cities and towns shall, on or before the first day of May in each year, license a suitable number of undertakers who can read and write the English language, to take charge of the funeral rites preliminary to the interment, removal or cremation of a human body. Such licenses shall be issued under such terms and upon such conditions as the board of health may prescribe, and may be revoked at any time by the board when such terms or conditions or any requirements of law relative thereto have been violated by the undertaker: *provided, however*, that an undertaker so licensed shall have the right to act thereunder in any city or town in the Commonwealth.

Proviso.

Repeal.

SECTION 8. Sections five and six of chapter thirty-two of the Public Statutes, chapter one hundred and twenty-four of the acts of the year eighteen hundred and eighty-three, chapter three hundred and thirty-five of the acts of the year eighteen hundred and eighty-seven, section two of chapter two hundred and sixty-three of the acts of the year eighteen hundred and ninety-three, and all acts and parts of acts inconsistent herewith, are hereby repealed.

*Approved May 26, 1897.*

AN ACT RELATIVE TO THE TERM OF OFFICE OF BRIGADIER GENERALS IN THE MILITIA. Chap.438

*Be it enacted, etc., as follows :*

SECTION 1. Brigadier generals of the line in the Massachusetts volunteer militia shall, after the passage of this act, be elected as now provided by law, for the term of seven years; at the expiration of which term they shall be placed on the retired list and shall not be eligible for reelection.

Brigadier generals, election, term, etc.

SECTION 2. All brigadier generals who on the first day of August in the year eighteen hundred and ninety-seven shall have held their commissions for a period of seven years or more shall be placed on the retired list on that date; and the commander-in-chief shall forthwith order elections to fill any vacancies thus created. The officers thus retired shall not be eligible for reelection.

Certain brigadier generals to be retired.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

*Approved May 26, 1897.*

AN ACT RELATIVE TO PUBLIC RECORDS.

Chap.439

*Be it enacted, etc., as follows :*

SECTION 1. The words "public records", when used in this or any other act shall, unless manifestly inconsistent with the context, be construed to mean any written or printed book or paper, or any map or plan of the Commonwealth or of any county, city or town, in or on which any record or entry has been or is to be made in pursuance of any requirement of law, or any written or printed book or paper, or any map or plan which any officer or employee of the Commonwealth or of any county, city or town is required by law to receive, or in pursuance of any such requirement has received for filing, and any book, paper, record or copy mentioned in either of the five following sections. Every such record of the Commonwealth or of a county, city or town, other than maps or plans, consisting of a book, or sheets to be made into a book, in or on which entries are from time to time made or to be made, shall be of paper made of linen rags and new cotton clippings, well sized with animal sizing, and well finished, preference

Certain terms defined, paper to be used, etc.

being given to paper of American manufacture marked in water line with the name of the manufacturer. The word "record", in this act without any word of explanation or limitation shall be construed to mean any written or printed book or paper, or any map or plan.

Public boards, etc., to designate some person as secretary, etc.

SECTION 2. Every public board and every head consisting of more than one person, in charge of a department or office of the Commonwealth or of a county, city or town, shall designate some person as secretary, who shall enter in books all votes, orders and proceedings of such board, department or office, and shall have the custody of such books; and every such board or head shall designate some employee or employees to have the custody of the other public records pertaining to the work of such board, department or office.

Custody of public records, etc.

SECTION 3. Every public board, and every head consisting of one person, in charge of a department or office of the Commonwealth or of a county, city or town, having in such department or office any public records, shall have the custody of such records. Every city or town clerk shall have the custody of all records of town proprietaries, and of proprietors of plantations or townships or common lands when the towns, townships or common lands to which such records relate, or the larger part thereof, are within the limits of the city or town of which he is the clerk, and when the proprietors have ceased to be a body politic; also of all records of any church or religious society in such city or town that has ceased to have a legal existence. The secretary of the Commonwealth, clerk of the county commissioners, and city or town clerk, shall respectively have the custody of all other public records of the Commonwealth or of the county, city or town of which he is clerk, when no other disposition of such records is made by law or ordinance.

Certain original papers, records, etc., to be safely kept, etc.

SECTION 4. Every original paper belonging to the files of the Commonwealth or of any county, city or town, bearing a date earlier than the year eighteen hundred; every book of registry or other book used for recording, belonging to the Commonwealth or to any county, city or town; every deed to the Commonwealth or to any county, city or town; and every report of an agent, officer or committee of the Commonwealth or of any county, city or town, relating to bridges, highways,



streets, townways, sewers, or other state, county or municipal interests or matters, not required by law to be entered in a book and not so entered, shall be safely kept, and every other paper belonging to the files of the Commonwealth or of any county, city or town, shall be safely kept for seven years after the latest entry originally made therein or thereon unless required by law to be destroyed at some other time, and no such paper of any county, city or town shall be destroyed unless such destruction is approved by the commissioner of public records.

SECTION 5. Every board of county commissioners, city government, and board of selectmen, may have made for their county, city or town, copies of the records, within or without the Commonwealth, of counties, cities or towns, or town proprietaries, or proprietors of plantations or townships or common lands, relating to lands, easements and rights of way situated in their county, city or town, and copies of the records of births, marriages, deaths and baptisms kept by a church or parish within their city or town.

Certain boards, etc., may have copies of records made.

SECTION 6. Every person having the custody of any public records of a county, city or town, consisting of written or printed books shall, at the expense of the county, city or town, have all such books properly and substantially bound, and shall have any such book left incomplete made up and completed from the files and usual memoranda, so far as it can be done, and shall have any such books becoming worn, mutilated or illegible, seasonably renovated, repaired or rebound, and fair and legible copies thereof seasonably made, and may cause any such books to be placed in the custody of the commissioner of public records, who shall have the work done at the expense of the county, city or town, in a proper and substantial manner.

Written or printed books to be bound, etc.

SECTION 7. Every person having the custody of any public records shall on request for any public record in his custody, furnish the same for inspection and examination under his direction, supervision and care, or under the direction, supervision and care of some person designated by him, and shall on request for a copy of any public record in his custody, and the payment of a reasonable fee, furnish such copy: *provided, however*, that the inspection and furnishing of copies of the public records

Custodians of public records to furnish copies upon request, etc.

Proviso.

of a city or town shall be subject to the reasonable ordinances of the city or by-laws of the town.

Copies of public records to be attested, etc.

SECTION 8. Every person having the custody of any public records who, under the provisions of any section of this act, shall cause to be made up as aforesaid any public record consisting of a book left incomplete, or shall cause to be made or compared a copy of any public record, shall attest the same and make oath, in the case of such book that it is made up from the usual files and memoranda, and, in the case of such copy that it is a correct copy of the original. Every copy so attested and sworn to shall be admitted in evidence in the same manner and with the same effect as the original.

Custodian may demand any public record from person having the same in his possession, etc.

SECTION 9. Every person who is given by law the custody of any public records shall have power to demand, and shall demand, any such record from the person having the same in his possession, and such person shall forthwith deliver such record to such custodian, and every person having the custody of any public records shall safely keep the same in the rooms in which they are usually used, so arranged that they can be conveniently examined and referred to, and shall keep all such records, when not in use, in the fireproof rooms, vaults or safes provided therefor, except the records in the custody of the teachers of the public schools.

Fireproof rooms, safes, etc., to be provided, etc.

SECTION 10. Every officer or board in charge of a state department, board of county commissioners, city government, and board of selectmen shall, at the expense of the Commonwealth, county, city or town, provide and maintain fireproof rooms, safes or vaults for the keeping as aforesaid of the public records of their department, county, city or town, other than the records in the custody of teachers of the public schools, and shall hereafter furnish for such rooms only fittings of non-combustible materials.

Custodian to deliver public records to his successor, etc.

SECTION 11. Every person having the custody of any public records shall, when succeeded in such custody by another person, forthwith deliver to the successor all public records in his custody which he is not authorized by law to retain, and shall make oath that he has so delivered such records, before, and to be recorded by, the secretary of the Commonwealth, or the clerk of the county commissioners, or the city or town clerk, according as the records so delivered are the records of the Commonwealth, county, city or town.

**SECTION 12.** Every person who unlawfully keeps in his possession any public record, or removes any public record from the room in which it is usually kept, or violates any of the provisions of this act, or alters, defaces, mutilates or destroys any public record, shall, for each offence, be punished by a fine of not less than ten dollars nor more than five hundred dollars; and every public officer who neglects or refuses to perform any duty required of him by this act shall, for each month of such neglect or refusal, be punished by a fine of not more than twenty dollars.

*Penalties.*

**SECTION 13.** The provisions of this act shall not be construed as applying to the records of the general court.

*Not to apply to certain records.*

**SECTION 14.** Chapter thirty-seven of the Public Statutes, section one of chapter two hundred and two of the acts of the year eighteen hundred and eighty-seven, chapter three hundred and seven of the acts of the year eighteen hundred and eighty-eight, chapters two hundred and twenty-seven and three hundred and ninety-two of the acts of the year eighteen hundred and ninety, chapters two hundred and eighty-one and three hundred and forty of the acts of the year eighteen hundred and ninety-one, chapter three hundred and fifty-six and section one of chapter four hundred and two of the acts of the year eighteen hundred and ninety-four, and all acts and parts of acts inconsistent herewith, are hereby repealed.

*Repeal.*

*Approved May 28, 1897.*

AN ACT RELATIVE TO THE CITY GOVERNMENT AND THE DEPARTMENTS OF THE CITY OF BOSTON.

*Chap. 440*

*Be it enacted, etc., as follows:*

**SECTION 1.** In case an act entitled "An Act to consolidate the board of aldermen and the common council and to reorganize the city government of the city of Boston", shall be accepted by a majority of the votes cast at the state election in the city of Boston in the current year, as provided in said act, and after the first Monday of January in the year eighteen hundred and ninety-eight, no ordinance, order or other measure making an appropriation or authorizing the expenditure of money, or granting any location, franchise, right or privilege in or under a public way, shall be passed by the city council of said city unless it receives two separate readings, the second reading at least one week after the first;

*Passage of certain ordinances, etc., in the city of Boston.*

and no such measure shall be passed over the veto of the mayor unless it receives the affirmative vote, on a roll call, of two thirds of all the members of said city council.

Municipal election.

SECTION 2. The annual municipal election in said city shall in the current year be held on the third Tuesday of December, instead of on the Tuesday after the second Monday of said month.

Repeal, etc.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed, and all ordinances and parts of ordinances inconsistent with this act are hereby annulled.

*Approved May 28, 1897.*

**Chap. 441** AN ACT PROVIDING FOR THE DISTRIBUTION OF STATE AID TO SOLDIERS IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

Soldiers relief commissioner, appointment, etc.

SECTION 1. The soldiers relief department is hereby created as a department of the city of Boston, and shall be under the charge of the soldiers relief commissioner; said commissioner shall be a registered voter of the city of Boston and shall be appointed by the mayor, subject to confirmation by the board of aldermen, and shall be paid an annual salary of thirty-five hundred dollars, or such other sum as said city shall by ordinance provide.

Powers and duties, etc.

SECTION 2. Said commissioner shall, subject to the direction of the board of aldermen of said city as to the amounts to be paid to beneficiaries, have and exercise all the powers and duties vested in the mayor and aldermen of said city under chapter four hundred and forty-seven of the acts of the year eighteen hundred and ninety, chapters two hundred and seventy-nine and three hundred and one of the acts of the year eighteen hundred and ninety-four, chapter three hundred and sixty-one of the acts of the year eighteen hundred and ninety-five, and chapter two hundred and seventy-nine of the acts of the year eighteen hundred and ninety-six, and acts in amendment thereof or in addition thereto; and chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five and all other acts relating to departments of the city of Boston or the officers or employees thereof, not inconsistent herewith, shall be applicable to said department and to the officers and employees thereof.

SECTION 3. Any officer or employee of the state aid department now in the service of the city whose tenure of office may be affected by the provisions of this act or the carrying out thereof may be appointed to positions in any department of said city without civil service examination or enrolment.

Appointment of officers, etc., whose tenure of office may be affected.

SECTION 4. This act shall take effect on the fourth day of January in the year eighteen hundred and ninety-eight.

To take effect January 4, 1898.

*Approved May 28, 1897.*

AN ACT RELATIVE TO THE BUILDING OF SCHOOLHOUSES IN THE CITY OF BOSTON.

*Chap. 442*

*Be it enacted, etc., as follows:*

SECTION 1. Section four of chapter four hundred and eight of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out all of said section after the word "ninety-six", in the ninth line, and inserting in place thereof the words:—six hundred and fifty thousand dollars in the year eighteen hundred and ninety-seven, and six hundred and fifty thousand dollars in the year eighteen hundred and ninety-eight, which shall all be within the debt limit. Of the amounts issued in the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight a sum not less than five hundred thousand dollars shall be used for the payment of expenses to be incurred for the taking of lands and the erection and furnishing of high school buildings in East Boston, South Boston, West Roxbury and Dorchester,—so as to read as follows:—*Section 4.* The city treasurer of said city, to pay the expenses incurred for the lands taken and the building and furnishing of schoolhouses as aforesaid, shall from time to time on the request of said school committee issue and sell negotiable bonds of said city to an amount not exceeding five hundred thousand dollars in the current year, which shall be outside of the debt limit, and five hundred thousand dollars in the year eighteen hundred and ninety-six, six hundred and fifty thousand dollars in the year eighteen hundred and ninety-seven, and six hundred and fifty thousand dollars in the year eighteen hundred and ninety-eight, which shall all be within the debt limit. Of the amounts issued in the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight

1895, 408, § 4, amended.

City treasurer to issue bonds, etc.

a sum not less than five hundred thousand dollars shall be used for the payment of expenses to be incurred for the taking of lands and the erection and furnishing of high school buildings in East Boston, South Boston, West Roxbury and Dorchester.

SECTION 2. This act shall take effect upon its passage.

*Approved May 28, 1897.*

### Chap. 443

#### AN ACT RELATIVE TO WEIGHTS AND MEASURES.

*Be it enacted, etc., as follows:*

Treasurer and receiver general to procure sets of apothecaries' weights and wine measures, etc.

SECTION 1. The treasurer and receiver general is hereby authorized and directed to procure, and to keep in a safe and accessible place in the state house, a set of apothecaries' weights, consisting of twelve, six and two ounces; eight, four and two drams; three, two, one, and one half scruples; ten, five, four, three, two, one, one half, one fourth, and one tenth grains, the same to be derived from the troy pound or its equivalent, as established by the United States government; and also a set of wine measures, consisting of minims, drams, ounces, pints, quarts, and gallons. The said sets shall be compared with and shall correspond in all respects with the same as prescribed by the national government, and shall be the sole authorized standards of apothecaries' weights and of wine measures in this Commonwealth.

To be compared with those of the United States, etc.

SECTION 2. The treasurer and receiver general shall cause said standard sets to be compared with those of the United States at least once every five years, and such corrections as are found necessary shall be made in the same from time to time, so that they shall always equal in every respect those of the national government.

County treasurers to be furnished with duplicate sets, etc.

SECTION 3. Within six months after the passage of this act the treasurer and receiver general shall, at the expense of the several counties, furnish to the several treasurers thereof, to be kept by them in suitable safe and accessible places, and at the respective county seats, duplicate sets of weights and measures as established by section one of this act, which sets shall be used as standards for apothecaries' weights and for wine measures for the respective counties within which they are so kept, and which shall be compared with those in the custody of the treasurer and receiver general at least once every three years; and such corrections shall be made in the same as are from time to time found necessary.

SECTION 4. The treasurers of the several cities, and the treasurers of the several towns when so directed by the selectmen of the same, shall be furnished, upon request to the treasurer and receiver general, at the expense of such cities and towns respectively, with duplicate sets of said weights and said measures, which shall be kept by such treasurers in suitable accessible public places, as provided in section five of chapter sixty-five of the Public Statutes, for the use of the inhabitants of such cities and towns, and which shall be used as standards in the respective cities or towns in which the same are kept. The treasurers of the several cities and towns possessing such sets of weights and of measures shall cause the same to be compared with the standards of the same at their respective county seats, or with those at the state house, at least once in three years, and any corrections found necessary in the same shall be made at the expense of the city or town possessing the defective standard or standards.

City and town treasurers to be furnished with duplicate sets upon request, etc.

SECTION 5. The treasurer of any county, city or town who neglects to provide a suitable place for keeping such weights and measures, or who neglects to keep them in good order and repair, or who suffers any of them through his neglect to be damaged, lost or destroyed, shall forfeit two hundred dollars; and the treasurer of any county, city or town who neglects to have such standards in his custody tried, adjusted and sealed at least once in three years, by the treasurer of the Commonwealth or by the county treasurer, as the case may be, as provided in this act, the expense thereof to be paid by the respective counties, cities or towns, shall forfeit a sum not exceeding fifty dollars.

Penalty for neglect to provide suitable place for keeping, etc.

SECTION 6. All apothecaries and all other persons dealing in drugs, medicines or merchandise commonly sold by troy weight or by wine measure shall, when using such weights and measures, cause the same to be tested and sealed either by the treasurer of the county, the treasurer of the city or town in which such person is carrying on business, at least once in three years; and such officers are for the purposes of this act hereby made sealers of weights and measures in their respective counties, cities or towns, unless different provision is made for the election or appointment of sealers in counties, cities or towns.

Persons dealing in drugs, etc., to cause weights and measures used by them to be tested, etc.

Penalty.

SECTION 7. Any person, firm or corporation selling or dealing in drugs, medicines or merchandise requiring the use of apothecaries' weights or wine measures, or in which the same are commonly used, failing to keep the weights and measures used by them in such business tested according to the provisions of this act, shall upon complaint and conviction before any police, municipal or district court having jurisdiction, be punished by a fine of not less than five dollars and not more than fifty dollars for each offence.

Certain provisions of law to apply.

SECTION 8. Sections eighteen, nineteen, twenty, twenty-one and twenty-five of chapter sixty-five of the Public Statutes shall, so far as applicable, apply to the weights and measures referred to in this act, and shall in general, so far as applicable, have the same application to the subject-matter of this act as if they had been repeated at length herein.

SECTION 9. This act shall take effect upon its passage.

*Approved June 2, 1897.*

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**Chap. 444** AN ACT RELATIVE TO THE REGISTRY AND RETURN OF BIRTHS, MARRIAGES AND DEATHS.

*Be it enacted, etc., as follows :*

City and town clerks to obtain, record, etc., births, marriages and deaths.

SECTION 1. The clerk of each city and town shall receive or obtain and record the following facts concerning the births, marriages and deaths therein, separately numbering and recording the same, designating the facts hereinafter specified in separate columns as follows :— In the record of births, the date of the record, the date of birth, the place of birth, the name of the child, the sex and color of the child, the names and places of birth of the parents, including the maiden name of the mother, the occupation of the father, and the residence of the parents. In the record of the birth of an illegitimate child the name and other facts relating to the father shall not be recorded unless at the joint request in writing of both father and mother. The term "illegitimate", shall not be used in the record of a birth unless the fact has been legally determined or upon the sworn statement of both the father and mother. In the record of marriages, the date of the record, the date of the marriage, the place of marriage, the name, residence and official station of the person by whom the marriage is solemnized, the names



and places of birth of the parties married, the residence of each, the age and color of each, the number of the marriage (for example, the first or second marriage), and if previously married whether widowed or divorced, the occupation of each and the names of their parents, with the maiden name of the mother. If the bride is a widow or divorced her maiden name shall also be given. In the record of deaths, the date of the record, the date of the death, the name of the deceased, the sex, the color, the condition (whether single, widowed, married or divorced), the supposed age, the residence, the occupation, the place of death, the place of birth, the names and places of birth of the parents, the disease or cause of death, the place of burial, with the name of the cemetery if it has any, the maiden name of the mother, and if the deceased was a married or divorced woman or a widow, her maiden name and the name of her husband. In cities the word "residence", as used in this section, shall be held to include the name of the street and number of the house, if any.

City and town clerks to obtain, record, etc., births, marriages and deaths.

SECTION 2. The clerk of each city and town shall index in separate indexes of births, marriages and deaths the names of all persons recorded as born, married or dead.

To index separately.

SECTION 3. Physicians and midwives shall on or before the fifth day of each month report to the clerk of each city or town a correct list of all children born therein during the month next preceding, at whose birth they were present, stating the date and place of each birth, the name of the child if it has any, the sex and color of the child, the name, place of birth and residence of the parents, the maiden name of the mother, and the occupation of the father. If the child is illegitimate the name of the father shall not be stated, unless at the joint request in writing of both father and mother, which request shall be filed with the returns of births. The fee of the physician or midwife shall be twenty-five cents for each birth so reported, and shall be paid by the city or town in which the report is made, upon presentation of a certificate from the city or town clerk, stating that said births have been reported in conformity with the requirements of this section. Any physician or midwife neglecting to report such list for ten days after it is due shall for each offence forfeit a sum not exceeding twenty-five dollars.

Returns of births to be made by physicians and midwives monthly, etc.

Penalty.

Certain persons to furnish facts concerning births upon request.

**SECTION 4.** Any member or servant of a family in which a child is born, having knowledge of the facts required for record concerning the birth of such child, shall furnish the same upon request of the clerk of the city or town wherein such child was born or its parents reside, or of any person authorized by him to obtain such facts. Any such member or servant of a family who refuses to furnish such facts shall for each offence forfeit not exceeding ten dollars.

Penalty.

City and town clerks to ascertain facts relating to births, etc.

**SECTION 5.** The clerk of every city and town shall annually in the month of January ascertain or cause to be ascertained the facts required for record by section one of this act relating to the birth of all children born therein within the year preceding the first day of said January.

Parents and others to give notice of births and deaths.

**SECTION 6.** Parents shall, within forty days after the birth of a child, give notice thereof or cause such notice to be given, to the clerk of the city or town in which such child is born. Every householder shall, within forty days after the date of a birth occurring in his house, give notice thereof, or cause such notice to be given to the clerk of the city or town in which he resides; and he shall also, within five days after the date of a death occurring in his house, give notice thereof or cause such notice to be given, to the board of health, other than the selectmen, or if there is no such board, to the clerk of such city or town. The oldest person next of kin present at the time of the death of any of his kindred in the city or town in which such death occurs shall, within five days thereafter, give notice thereof or cause such notice to be given, to such board of health, or if there is no such board, to the clerk of such city or town. The keeper, superintendent or person in charge of a workhouse, house of correction, prison, reformatory, reform school, hospital, almshouse or other institution, public or private, receiving inmates from within or without the limits of the city or town in which it is located shall, when a person is received into the institution of which he is the keeper, superintendent or person in charge, obtain a record of all the facts which would be required for record in the event of the death of such person so received, and shall, on or before the fifth day of each month, give notice to the clerk of said city or town of every birth and death happening among the persons under his charge during the month next preceding. The facts required for record by section one of

Persons in charge of workhouses, prisons, etc., to obtain a record of certain facts, etc.

this act shall, so far as known or obtainable, be included in every notice given under this section.

SECTION 7. The master or other commanding officer of a vessel shall give notice, with the facts required for record, of every birth or death happening among the persons under his charge. In case of a birth the notice shall be given to the clerk, and in case of a death to the board of health, other than the selectmen, or if there is no such board, to the clerk of the city or town within the Commonwealth at which his vessel first arrives after said birth or death.

Commanding officers of vessels to give notice of certain births and deaths.

SECTION 8. Any parent, keeper, superintendent or other person required by section six of this act to give, or cause to be given, notice of a birth or death, who neglects to give the required notice or cause the same to be given, for ten days after it is due, shall for each offence forfeit not exceeding five dollars, and the master or commanding officer of a vessel who neglects to give such notice for ten days after the arrival of his vessel at the port where notice is to be given shall forfeit not exceeding five dollars.

Penalty for neglect to give notice of births and deaths, etc.

SECTION 9. The clerk of any city or town may enter upon the record already made by him concerning a person born in such city or town any information obtained in writing by the canvass mentioned in section five, or by his own efforts, which is needed to supply deficiencies in said records, but shall make no changes in facts already recorded, except as provided in section fourteen of this act or to correct errors in copying from certificates or returns on file in his office. When an error in copying is corrected a statement of the fact that the correction is made to correct an error in copying shall be entered upon the record over the signature of the clerk.

City and town clerks may make additions to and correct certain records.

SECTION 10. A physician who has attended a person during his last illness shall forthwith, after the death of said person, furnish for registration at the request of a duly licensed undertaker or other authorized person, or any member of the family of such deceased person, a certificate, stating to the best of his knowledge and belief the name of the deceased, his supposed age, the disease of which he died, the duration of his last sickness, and the date of his decease; and a physician who has attended at the birth of a child dying immediately thereafter, or a physician or midwife who has attended at the birth of a

Physician to furnish certificate of death upon request.

Physicians and midwives to furnish facts concerning stillbirths, etc.

child born dead, shall forthwith furnish for registration a certificate stating that to the best of his or her knowledge and belief such child either died immediately after birth or was born dead. Both the birth and death of such child shall be recorded, and if the child was born dead the word "stillborn", shall be entered in both the record of birth and death. A physician or midwife who neglects or refuses to make the certificate required by this section or who makes a false statement therein shall forfeit not exceeding fifty dollars.

Penalty.

Certificates to give primary and secondary causes of death of soldiers and sailors.

SECTION 11. A physician who has attended a person in his last illness, in furnishing a certificate for the purpose of registration as required by section ten shall, in case the deceased was a soldier or a sailor who served in the war of the rebellion, give both the primary and the secondary or immediate cause of death as nearly as he can state the same. A physician who refuses or neglects to make such certificate shall forfeit ten dollars.

Persons having charge of funeral rites to make return, etc.

SECTION 12. Every undertaker or other person having charge of the funeral rites preliminary to the interment of a human body shall forthwith obtain the physician's certificate made in accordance with section ten of this act, and shall enter thereon the facts required by section one of this act to be recorded concerning the deceased, and shall return the same to the board of health, other than the selectmen, or its duly appointed agent; or if there is no such board, to the clerk of the city or town in which the death occurred. The person making such return shall receive from the city or town a fee of twenty-five cents therefor.

Certified copies of certain records to be made, etc.

SECTION 13. The clerk of each city and town shall forthwith make certified copies of the records of all births and deaths recorded in the books of said city or town during the previous month, whenever the deceased person or the parents of the child born were resident in any other city or town in this Commonwealth or any other state at the time of said birth or death; and shall transmit said certified copies to the clerk of the city or town in which such deceased person or parents were resident at the time of said birth or death, stating in addition the name of the street and number of the house, if any, where such deceased person or parents so resided, whenever the same can be ascertained; and the clerk of every

city or town in this Commonwealth so receiving such certified copies, or certified copies of births, deaths or marriages, from the clerk of a city or town without the Commonwealth, shall record the same in the books kept for recording births, deaths or marriages.

SECTION 14. Whenever the record relating to a birth, marriage or death in the records of any city or town does not contain all the facts required for record, or when it is alleged that the facts are not correctly stated in such record, the clerk of such city or town shall receive a deposition under oath, made by one who was required by law to furnish the information for the original record, or, at his discretion, by three or more credible persons having knowledge of the case, containing such facts as are desired for record. Having received such deposition he shall then file the same, and record said facts in a separate book to be kept for recording such depositions, adding thereto the name and residence of the deponent and the date of such record, and shall thereupon draw a line through the incorrect statements without erasing them, and enter upon the original record the facts needed to amend the record, and forthwith, if a copy of the record has been sent to the secretary of the Commonwealth, forward a certified copy of the corrected record to the secretary upon blanks provided by him for the purpose, who shall thereupon amend the record in his office, and state in the margin thereof his authority for so doing. Reference to the record of the deposition recorded shall be made by the clerk against the original record. The clerk when furnishing a copy of such record shall certify to the facts contained in the record as amended, and shall state in addition that the certificate is issued in accordance with the provisions of this act, and a copy of this section shall be printed on every such certificate. Such deposition, or a certified copy of the record of any other city or town, or of the record made at the time by any person since deceased who was required by law to furnish the evidence of a birth, marriage or death may, at the discretion of the clerk, be made the basis for the record of a birth, marriage or death not previously recorded, and such copy of record may also be made the basis for completing the record of a birth, marriage or death which does not contain all the required facts.

Clerk to receive deposition in case of omission or error in records of births, marriages and deaths, etc.

Penalty for making false return.

SECTION 15. Any person who wilfully makes a false return in regard to any birth or death shall forfeit not exceeding fifty dollars.

Returns to be preserved, etc.

SECTION 16. All the returns of births, marriages and deaths made as provided by law shall be preserved by the city or town clerk and filed and arranged conveniently for examination and reference.

Clerks to furnish blanks for returns of births.

SECTION 17. The clerk of each city and town shall annually give public notice that he is prepared to furnish to parents, householders, physicians and midwives applying therefor, blanks for returns of births as required by law.

Secretary to furnish blank books and forms for returns, etc.

SECTION 18. The secretary of the Commonwealth shall, at the expense of the Commonwealth, prepare and furnish to the clerks and boards of health of the several cities and towns, and to the superintendent of the state almshouse, blank books of suitable quality and size, to be used as books of record under this act, blank books for indexes thereto, and blank forms for returns on paper of uniform size: *provided, however*, that any city or town may provide books and forms which shall conform to those prepared by the secretary of the Commonwealth. He shall accompany the same with such instructions and explanations as may be necessary and useful. City and town clerks shall make such distribution of blank forms of returns furnished by the secretary as he shall direct.

Proviso.

Clerks to transmit copies of records to secretary.

SECTION 19. The clerk of each city and town shall annually, on or before the first day of March, transmit to the secretary of the Commonwealth fair and legible certified copies of the records of births, marriages and deaths which have been recorded therein during the year ending on the last day of the preceding December, together with certified copies, upon blanks provided by the secretary, of all such records and corrections in records of births, marriages and deaths, as may not have been previously returned: *provided*, that in cities, except Boston, containing over thirty thousand inhabitants, said copies shall be transmitted on or before the first day of April. The copies from the city of Boston shall be transmitted on or before the first day of May.

Proviso.

Copies of records to be written in a fair and legible hand.

SECTION 20. It shall be the duty of the secretary of the Commonwealth to see that all copies sent to his office under the provisions of section nineteen of this act are written in a fair and legible hand, and any city or town

clerk who neglects or refuses to make or cause to be made fair and legible copies as required shall forfeit not less than twenty dollars nor more than one hundred dollars, to be recovered in an action in the name of the secretary of the Commonwealth.

SECTION 21. The record of the city or town clerk relative to a birth, marriage or death shall be prima facie evidence in legal proceedings of the facts recorded. A certificate signed by the city or town clerk or assistant clerk for the time being shall be admissible as evidence of such record.

Record to be prima facie evidence in legal proceedings, etc.

SECTION 22. The superintendent of the state almshouse shall obtain, record and make return of the facts in relation to the births and deaths which occur in his institution, in like manner as is required by town clerks. The clerk of a town in which such almshouse is located shall, in relation to the births and deaths of persons in said almshouse, be exempt from the duties otherwise required of him by this act.

Superintendent of state almshouse to record, return, etc., facts in relation to births and deaths, etc.

SECTION 23. The secretary shall cause the copies received by him for each year to be bound together in one or more volumes, with indexes thereto. He shall prepare from the copies such tabular results as will render them of practical utility, make report thereof annually to the general court, and do all other acts necessary to carry into effect the provisions of this act.

Secretary to cause returns to be bound, etc., to report to legislature, etc.

SECTION 24. Any city or town containing more than ten thousand inhabitants, except the city of Boston, may choose or provide for the appointment of a person other than the clerk to be registrar, who shall be sworn, and to whom all the provisions of this act concerning clerks shall apply. The returns and notices required to be made and given to clerks shall be made and given to such registrar and to the city registrar of the city of Boston under like penalties; and all the provisions of this act concerning clerks shall apply to said last named registrar.

Registrars may be appointed in certain cases, etc.

SECTION 25. Whenever any physician, midwife, parent, householder, keeper, superintendent or person in charge of any institution mentioned in section six of this act, or master or other commanding officer of a vessel, neglects to make any of the reports required by the provisions of this act to the clerk or board of health of any city or town, or whenever any person refuses to furnish the facts as required by section four of this act, said clerk shall notify

Proceedings in case of neglect or refusal of persons to make reports, etc.

such person of the requirement, and if such person neglects for the period of one month to make said report said clerk shall notify the agent or attorney duly appointed by the city or town to sue in its corporate capacity, or if there is no such agent or attorney the district attorney of his district, of such neglect, who shall thereupon institute proceedings against such person for the recovery of the penalty or forfeiture imposed by this act.

Duty of city or town clerk in case of violation of certain provisions.

SECTION 26. The city or town clerk shall notify the person authorized to institute proceedings under the preceding section of the violation of any of the provisions of this act within his city or town which comes to his notice, except violations for which he might be liable, and the person so notified shall thereupon institute a prosecution against the person guilty of such violation.

Names not to be printed in case of birth or death of an illegitimate or stillborn child.

SECTION 27. In any statement of births and deaths printed by authority of a city or town no name of an illegitimate child or its parents or of the parents of a stillborn child shall be printed, but the word "illegitimate" or "stillborn", as the fact may be, shall be used in place thereof. Any city or town which prints the name of a child or either of its parents in violation of this section shall forfeit to the mother of such child not exceeding one hundred dollars.

Forfeitures to accrue to benefit of city or town, etc.

SECTION 28. All forfeitures recovered under this act shall accrue to the benefit of the city or town in which the return required should have been made, except as provided in sections twenty and twenty-seven.

Fees for receiving, obtaining, etc., facts in relation to births, marriages and deaths.

SECTION 29. The clerk of each city or town, for receiving or obtaining, recording and returning the facts relating to marriages, births and deaths occurring therein, and for indexing the names, shall be entitled to receive from the city or town, upon presenting a certificate of the receipt of said copy by the secretary of the Commonwealth, for each marriage, twenty cents; for each birth, fifty cents; for each death returned to him by an undertaker or the board of health, twenty cents; for each death not so returned but by him obtained and recorded, fifty cents. He shall also receive from the city or town the following fees: — For each certificate transmitted under the provisions of section thirteen of this act, twenty-five cents; for receiving and recording a deposition and forwarding a copy thereof under the provisions of section fourteen of this act, fifty cents; for sending the notifica-



tion required by section twenty-five of this act, twenty-five cents; for each oath administered in his capacity as clerk, twenty-five cents. But a city or town containing more than ten thousand inhabitants may limit the aggregate compensation allowed to its clerk. A city or town clerk shall forfeit not less than twenty dollars nor more than one hundred dollars for each refusal or neglect to perform any duty required of him by this act. Penalty.

SECTION 30. Any of the oaths required by any of the provisions of this act may be administered by the clerk or assistant clerk of any city or town in his official capacity. Clerk or assistant clerk may administer oaths.

SECTION 31. Sections one to four, both inclusive, and sections seven to eighteen, both inclusive, of chapter thirty-two of the Public Statutes; chapter one hundred and fifty-eight of the acts of the year eighteen hundred and eighty-three; sections two, three, four and five of chapter two hundred and two of the acts of the year eighteen hundred and eighty-seven; chapter sixty-three and section one of chapter three hundred and six of the acts of the year eighteen hundred and eighty-eight; chapters two hundred and eight, two hundred and twenty-four and two hundred and eighty-eight of the acts of the year eighteen hundred and eighty-nine; chapter four hundred and two of the acts of the year eighteen hundred and ninety; chapter three hundred and five of the acts of the year eighteen hundred and ninety-two; section one of chapter two hundred and sixty-three of the acts of the year eighteen hundred and ninety-three; chapter two hundred and six and section two of chapter four hundred and two of the acts of the year eighteen hundred and ninety-four, and all acts and parts of acts inconsistent herewith, are hereby repealed. Repeal.

SECTION 32. This act shall take effect on the first day of January in the year eighteen hundred and ninety-eight. To take effect January 1, 1898.

*Approved June 2, 1897.*

AN ACT RELATIVE TO THE COMPENSATION FOR DAMAGES IN THE TOWN OF STERLING OCCASIONED BY THE CONSTRUCTION OF THE METROPOLITAN WATER SYSTEM.

*Chap. 445*

*Be it enacted, etc., as follows:*

SECTION 1. The owner of any real estate situated in that part of the town of Sterling on the southerly and westerly side of Stillwater river, not taken but directly Compensation for damages in the town of Sterling occasioned by con-

struction of  
metropolitan  
water system.

or indirectly decreased in value by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five entitled, "An Act to provide for a metropolitan water supply", or by the doings of the metropolitan water board thereunder, and any individual or firm owning, on the first day of April in the year eighteen hundred and ninety-five, an established business on land in said part of the town of Sterling, or the heirs or personal representatives of such individual or firm, who shall deem that such business is decreased in value, whether by loss of custom or otherwise, by the carrying out of said act to provide for a metropolitan water supply, shall have the same right to damages for such decrease in value, to be determined and recovered in the same way, as is provided for owners of real estate or of an established business in the town of West Boylston by said chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five.

Treasurer of the  
Commonwealth  
to pay to town  
of Sterling a  
certain sum  
annually.

SECTION 2. The treasurer of the Commonwealth shall pay hereafter as a part of the expenses of the metropolitan water works annually on or before the thirty-first day of December to the town of Sterling an amount equal to the assessment made by the assessors of the town of Sterling as of the first day of May in the year eighteen hundred and ninety-four, on all real estate taken or acquired, and held by the metropolitan water board on the first day of May in each year, under authority of said chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof, so long as said property is held by said metropolitan water board, such payment to be in place of taxes and any other payment required by law upon such property.

SECTION 3. This act shall take effect upon its passage.

*Approved June 2, 1897.*

#### *Chap. 446*

AN ACT TO PROVIDE FOR CERTAIN STREET WIDENINGS ON COMMERCIAL AND INDIA STREETS, AND FOR THE WIDENING AND EXTENSION OF CROSS STREET IN THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

City treasurer  
of Boston to  
issue notes,  
bonds, etc.

SECTION 1. After the board of street commissioners of the city of Boston has prepared a plan for widening India street between Atlantic avenue and India square, for widening Commercial street between Central wharf and Central street and at such other points as it may deem

necessary, and for widening, or widening and extending, Cross street between Commercial street and Charlestown street to a width of at least seventy feet, so as to provide a better thoroughfare for teaming and for other purposes between the junction of Atlantic avenue and India street, and Haymarket square and Charlestown street, as provided in chapter four hundred and ninety-eight of the acts of the year eighteen hundred and ninety-five, and after such plan has been approved by the mayor of said city, the treasurer of said city shall from time to time, on the request of the mayor, in order to provide for meeting the expense of such widening and extension, issue notes, bonds or scrip of said city to the amounts specified in such requests, for a term not exceeding five years from the date thereof: *provided*, that the sum total of such amounts shall not exceed the sum of five hundred thousand dollars. Such notes, bonds or scrip shall be outside of the debt limit, shall be negotiable, shall bear interest payable semi-annually, shall be registered or with interest coupons attached, and shall be sold and disposed of in such manner, at such times, at such prices, in such amounts, and at such rates of interest not exceeding five per cent. per annum, as said treasurer shall determine. Any premiums received by said treasurer in the sale of any of said notes, bonds or scrip shall be applied to the payment of the same, or to the payment of said expenses, as the mayor may determine. In case the estimated expense of making all of the street changes shown on such plan as determined by said board shall exceed the sum of five hundred thousand dollars the work of making such changes shall begin at the junction of Atlantic avenue and India street and shall be continued from that point in the direction of Haymarket square as far as the expenses of the same can be met within the amount of the loan herein authorized.

City treasurer of Boston to issue notes, bonds, etc.

Proviso.

SECTION 2. This act shall take effect when accepted by the city council of the city of Boston.

When to take effect.

*Approved June 2, 1897.*

AN ACT RELATIVE TO THE SETTLEMENT OF ESTATES OF PERSONS WHO HAVE BEEN ABSENT AND UNHEARD FROM FOR MORE THAN FOURTEEN YEARS.

*Chap. 447*

*Be it enacted, etc., as follows:*

SECTION 1. Whenever a person has disappeared and his whereabouts are unknown to his family, kindred, busi-

Settlement of estates of certain persons.

Settlement of  
estates of cer-  
tain persons.

ness associates or intimate friends, leaving property in this Commonwealth, any other person interested in such estate may represent the facts to the probate court which would have jurisdiction of such absentee's estate if he were actually dead, accompanied by a petition for administration or letters testamentary, and supported by an affidavit of any credible person that the affiant believes such absent person is dead. The court shall thereupon order a notice, in such form as it shall prescribe, to be published in any newspapers within or without the Commonwealth once a week for three successive weeks, and for such further time as it shall deem reasonable, not exceeding one year, and to be posted in two or more conspicuous places in the city or town where the absentee last resided, or was last known to have been, either temporarily or permanently, and to be further served upon all persons interested in said estate, in such manner as shall seem practicable; and after satisfactory evidence that such notice has been given and served in accordance with such order, if no satisfactory objection is made thereto, the court shall presume such absentee, for the purposes of administering his estate or approving his will, to be dead, and shall, if a will is presented, allow the same under the same rules and restrictions as if death had been actually proven, and shall appoint the petitioner or some other suitable person who is entitled thereto by sections one or six of chapter one hundred and thirty of the Public Statutes, administrator of the estate or executor of the will of such absent person.

Administrators  
and executors  
to give bonds,  
etc.

SECTION 2. Every administrator or executor appointed under the provisions of this act shall give bonds, with sufficient sureties, in such sum as the court may order, payable to the judge of said court and his successors, and with conditions substantially as provided in section two of chapter one hundred and thirty of the Public Statutes, and with the further condition to obey all orders and decrees that may be made by said court.

Certain laws  
to apply, etc.

SECTION 3. All laws now in force or hereafter enacted relating to the duties of administrators or executors, or to the settlement, sale, payment of debts, division or distribution of estates of deceased persons, not inconsistent herewith, shall apply to the administration or settlement of estates under the provisions of this act, and any administrator or executor appointed under the provisions of this act may be authorized to sell any estate coming to

his hands, whether real or personal, for the support of the wife or children of the absentee, in addition to the general authority that may be granted for such sales under the general laws, and such support may be continued in the discretion of the court; and any such administrator or executor shall be entitled under the license of the court to execute a lease of any such real estate for a term of years, and to collect all rents, and generally to manage the real estate under direction of the court; but no distribution of the estate shall be made except as hereafter provided.

SECTION 4. Whenever upon petition of the administrator, executor or any other person interested in the settlement of any estate under the provisions of this act, it shall be proved by affidavit or other competent evidence that such absentee has been missing and unheard from, or that his whereabouts have been unknown to his family, kindred, business associates or friends for fourteen consecutive years prior to filing the petition for distribution, such absent person shall be presumed to be dead, and such presumption shall be conclusive for all purposes and against all persons except such absentee, and the court shall decree distribution as if he had deceased on a day fourteen years after the time when he shall have been proved to be last alive or was last known to be alive, and the title to all remaining real estate shall vest in the heirs or devisees of such absentee.

Absent person to be presumed to be dead under certain conditions, etc.

SECTION 5. Whenever in the settlement of any estate of a deceased person it shall be made to appear that any heir, legatee or distributee has been absent and unheard from for fourteen consecutive years, the court shall order notice as provided in section one of this act, and thereafter, if it shall not be proved that such absent person is still alive, he shall be presumed to be dead, and the estate in process of settlement shall be distributed as if he had deceased on a date fourteen years after the time when he was proved to have been last alive, and such presumption shall be conclusive for all purposes and against all persons except the absentee.

Heir, legatee, etc., to be presumed to be dead under certain conditions, etc.

SECTION 6. No heir, devisee, legatee or distributee shall receive any estate, share or legacy under the provisions of this act until he shall have given a bond with sufficient surety or sureties, approved by the court, and in such sum as it shall order, payable to the judge of said

Heir, legatee, etc., to give bond, etc.

court and his successors, and with condition to restore any share or estate received or acquired by him, or its equivalent in money, without interest, to such absentee whose estate was received, vested or distributed, if he shall return and claim it. Said bond shall remain in full force and effect for a term of eight years from the date thereof and no longer.

Sale of property not to be avoided by certain facts, etc.

SECTION 7. No sale of any property in the settlement of any estate under the provisions of this act, whether real or personal, and no sale of any property vested under this act, shall be avoided by the fact that the absent person whose estate was so settled, vested or alienated, is alive, or that death occurred at any other time than was presumed by the court in making the order of sale, partition or distribution, and no act of the administrator or executor shall be deemed invalid or unlawful from or by reason of the fact that such absentee was alive at the time thereof.

SECTION 8. This act shall take effect upon its passage.

*Approved June 3, 1897.*

### Chap.448

#### AN ACT CONCERNING THE VOLUNTEER MILITIA.

*Be it enacted, etc., as follows:*

1898, 267, § 11, amended.

Staff of commander-in-chief.

SECTION 1. Section eleven of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out the words "inspector general", in the fifteenth line, and by striking out all after the word "ordnance", in the sixteenth line,—so as to read as follows:—*Section 11.* The staff of the commander-in-chief shall consist of an adjutant general, with the rank of major general, who shall be ex officio chief of staff; an inspector general, a quartermaster general, a commissary general, a surgeon general, and a judge advocate general, each with the rank of brigadier general, who will take precedence in the order named; four aides-de-camp, each with the rank of colonel; and such additional officers of the staff as the public service may require, with such rank as the commander-in-chief may designate. They shall be commissioned and hold office until their successors are appointed and qualified, but may be removed at any time by the commander-in-chief. In times of peace, unless otherwise directed by the commander-in-chief, the adjutant general shall be quartermaster general, commissary general and chief of ordnance.

SECTION 2. Section one of chapter four hundred and sixty-five of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out in the first and second lines, the words "except the judge advocate general and four aides-de-camp",—so as to read as follows:—*Section 1.* No person shall be eligible to appointment on the staff of the commander-in-chief unless he has served at least three years in the volunteer militia of this Commonwealth, or unless he has been honorably discharged or retired from the military or naval service of the United States.

1895, 465, § 1,  
amended.

Eligibility to  
appointment  
on staff of  
commander-  
in-chief.

SECTION 3. The provisions of section thirty-three of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three shall not apply when a commissioned officer is transferred by election or appointment from the staff to the line.

1893, 367, § 33,  
not to apply in  
certain cases.

SECTION 4. Any commissioned officer in the militia service who shall have served as such in the active militia of this Commonwealth for the continuous period of ten years may, upon his own application, be placed upon the retired list, with the rank held by him at the time such application is made: *provided, however,* that an officer so retired who, at the time of making such application, has remained in the same grade for the continuous period of ten years, shall be retired with increased rank. Retired officers on occasions of ceremony may, and when acting under orders as hereinafter provided shall, wear the uniform of their retired rank. Retired officers shall be eligible to perform any military duty to the same extent as if not retired, and the commander-in-chief may, in his discretion, by order require them to serve upon military boards, courts of inquiry and courts-martial, or to perform any other special or temporary military duty, and for such service they shall receive the same pay and allowances as are provided by law for like service by the officers of the active militia. All retired officers shall be amenable to court-martial for military offences, to the same extent as if upon the active list of the volunteer militia. The names of all officers of retired rank shall be borne on a separate roster, kept under the supervision of the adjutant general. Retired officers shall report to the adjutant general any change in their residence whenever such change occurs.

Certain com-  
missioned  
officers may  
upon applica-  
tion be retired,  
etc.

Proviso.

SECTION 5. Section four of chapter four hundred and sixty-five of the acts of the year eighteen hundred and

1895, 465, § 4,  
amended.

Certain com-  
missioned  
officers may be  
retired for  
disability.

ninety-five is hereby amended by striking out the words "or a retiring board consisting of at least three commissioned officers", in the fourth and fifth lines, and by striking out the words "or otherwise", in the seventh line, — so as to read as follows:— *Section 4.* The commander-in-chief may, at any time, retire any commissioned officer who shall have been by him ordered before a medical board consisting of at least three commissioned medical officers, and upon whom such a board shall have made report showing such officer to be physically unable to properly perform the duties of his office.

Company non-  
commissioned  
officers not to  
be reduced ex-  
cept for cause,  
etc.

*SECTION 6.* Company non-commissioned officers, having been warranted and assigned to duty, shall not thereafter be reduced to the ranks except upon either their own request, or for cause clearly set forth in the order reducing them.

1893, 367, § 63,  
amended.

*SECTION 7.* Section sixty-three of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out all of said section after the word "legislature", in the third line, and inserting in place thereof the words:— or to carry out the sentence of a court-martial, after a fair trial pursuant to the laws of the Commonwealth and the regulations for the government of the volunteer militia for the time being, — so as to read as follows:— *Section 63.* An officer may be discharged by order of the commander-in-chief, upon either an address of both houses of the legislature or to carry out the sentence of a court-martial, after a fair trial pursuant to the laws of the Commonwealth and the regulations for the government of the volunteer militia for the time being.

Discharge of  
officers.

1893, 367, § 64,  
amended.

*SECTION 8.* Section sixty-four of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out in the third, fourth and fifth lines, the words "and any officer who may at any time be ordered before said board of examiners, and who fails to pass", — so as to read as follows:— *Section 64.* An officer who fails to pass the board of examiners or fails to appear before said board, as provided in section fifty-three of this act, shall be discharged by the commander-in-chief.

Officers failing  
to pass board of  
examiners, etc.,  
to be dis-  
charged.

1893, 367, § 65,  
etc., amended.

*SECTION 9.* Section sixty-five of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three, as amended by chapter four



hundred and twenty-five of the acts of the year eighteen hundred and ninety-six, is hereby further amended by striking out all after the words "United States", in the eighth line, — so as to read as follows: — *Section 65.* An officer may be honorably discharged by the commander-in-chief, upon removal of residence from the state; upon tender of resignation; upon the disbandment of the organization to which he belongs; or, if a staff officer, on the written request of the officer appointing him; or upon the qualification of his appointed successor; or when he accepts an appointment in the army or navy of the United States.

Officers may be discharged upon removal of residence from the state, etc.

SECTION 10. Section sixty-nine of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out all after the word "courts-martial", in the third line, — so as to read as follows: — *Section 69.* Dishonorable discharges, or discharges in such form as to forbid reënlistment, shall be given only in accordance with sentences of courts-martial.

1893, 367, § 66, amended.

Dishonorable discharges.

SECTION 11. Section seventy of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting after the word "shall", in the third line, the words: — set forth his rank, and, — and by striking out all after the word "reason", in the fourth line, and inserting in place thereof the words: — for such discharge, — so as to read as follows: — *Section 70.* Every soldier discharged from the service of the Commonwealth shall be furnished with a certificate of such discharge, which shall set forth his rank, and state clearly the reason for such discharge.

1893, 367, § 70, amended.

Certificates of discharge.

SECTION 12. Section eighty of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting after the word "to", in the third line, the words: — or in the care of, — so as to read as follows: — *Section 80.* Any soldier who wilfully or maliciously destroys, injures or defaces any article of military property belonging to or in the care of the Commonwealth, or retains any property in violation of the provisions of the preceding sections, shall be punished by a fine not exceeding forty dollars, to be paid into the treasury of the Commonwealth, to be recovered on complaint of the officer responsible for such property, before any court having jurisdiction; and such delinquent shall be imprisoned in the house of correction

1893, 367, § 80, amended.

Penalty for injury to military property, etc.

until such fine is paid or he is otherwise liberated by law.

1893, 367, § 129,  
amended.

Officers and  
soldiers entitled  
to be mounted.

SECTION 13. Section one hundred and twenty-nine of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting after the word "corporal", in the seventh line, the words:—the caisson corporals,—so as to read as follows:—*Section 129.* The following officers and soldiers, and none other, are entitled to be mounted: Every general, field and staff officer, every officer of cavalry, artillery, signal and ambulance corps, every brigade, cavalry and artillery non-commissioned staff officer, every enlisted man of cavalry, and the sergeants, except the stable sergeants, the guidon corporal, the caisson corporals, and buglers of light artillery, the chief bugler and orderly of infantry regiments; one horse only shall be allowed to each of the above-mentioned officers and soldiers; and there shall be allowed thirty-two draft horses to each battery of light artillery of four guns; to each battery of light artillery of more than four guns there shall be allowed for each additional gun eight draft horses. No horses shall be allowed for members of bands except by special orders of the commander-in-chief. Officers detailed as battalion adjutants of regiments shall be allowed a horse and equipments for orderly duty.

1893, 367, § 136,  
amended.

Court of inquiry  
to report to  
commander-in-  
chief, etc.

SECTION 14. Section one hundred and thirty-six of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out all after the word "into", in the sixth line,—so as to read as follows:—*Section 136.* Such court of inquiry shall without delay report to the commander-in-chief a statement of facts and, when required, the evidence adduced and opinion thereon; and the commander-in-chief may, in his discretion, thereupon order a court-martial for the trial of the officer whose conduct has been inquiry into.

Board of ex-  
aminers may  
conditionally  
pass candidates,  
etc.

SECTION 15. An officer who has passed a satisfactory examination before the board of examiners, as provided in section fifty-three of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three, and has been assigned to duty, shall not thereafter be ordered before said board of examiners while acting under the same commission; but the board of examiners may in any case conditionally pass a candidate, and order

him to appear for further examination within ninety days from the date of his first appearance, and any officer so conditionally assigned to duty who fails to appear before the board within the time designated, or who on appearing fails to pass a satisfactory examination, shall be discharged by the commander-in-chief.

SECTION 16. An officer who in the opinion of his commanding officer is incompetent, or is impairing the efficiency of the organization to which he is attached, by mismanagement, neglect, or misconduct in civil life for which he is not amenable to court-martial, may, upon the request of his commanding officer, be ordered to appear before a special board of examiners to consist of not less than three nor more than seven officers, none of whom shall be of less rank than the officer under investigation. The members of such a board may be challenged by the accused for good cause, as provided by the regulations in the case of courts-martial, and vacancies thus created shall be filled in the same manner as is prescribed for military boards. Said board shall without delay inquire into the charges preferred against the accused, and may examine him in like manner as is provided in section fifty-three of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three as to his mental and military qualifications: *provided, however*, that all questions of fact shall be investigated in accordance with the practice of courts-martial, and that the accused may produce any competent evidence by witnesses or otherwise in his behalf, and be represented by counsel. In such case the president of such board may administer oaths to witnesses, and issue summonses in like manner as is provided in section one hundred and forty-one of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three; and officers or soldiers failing to serve such summons, and any witness failing to appear when so summoned and not having a reasonable or sufficient excuse, shall be liable to trial by court-martial as for disobedience of orders, or may be compelled to appear as provided by chapter one hundred and ninety-five of the acts of the year eighteen hundred and eighty-three. Such board may, with the approval of the commander-in-chief, require a judge advocate to attend its sittings, in taking testimony and investigating any complaint that may come before it. Such board shall report the facts, together with

Certain officers may be ordered to appear before a special board of examiners, etc.

Board to inquire into charges, etc.

Proviso.

Summoning of witnesses, etc.

Board may require a judge advocate to attend its sittings, etc.

the evidence and its recommendations, to the commander-in-chief, who may, if the board so recommends, forthwith discharge said officer. Any officer who upon being ordered to appear before a special board of examiners, as provided in this section, fails to do so shall be discharged by the commander-in-chief.

Repeal.

SECTION 17. So much of section fifty-four of chapter three hundred and sixty-seven of the acts of the year eighteen hundred and ninety-three as relates to the retirement of commissioned officers, and all acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 18. This act shall take effect upon its passage.

*Approved June 3, 1897.*

**Chap. 449** AN ACT TO PROVIDE FOR ADDITIONAL ACCOMMODATIONS FOR THE COURTS AND COUNTY OFFICES OF THE COUNTY OF WORCESTER.

*Be it enacted, etc., as follows:*

County commissioners to provide additional accommodations for courts, etc.

SECTION 1. The county commissioners of the county of Worcester are hereby authorized to sell, tear down or remove the brick court house standing on land now owned by said county, and situated on Main street in the city of Worcester, and to erect on said land, or on any part of the adjoining land, a building which shall provide additional accommodations for the several courts of said county sitting at Worcester, and for the county offices and purposes. The expense which may be incurred in connection with the disposal or removal of said brick court house, and in the erection of the building authorized by this act, shall not exceed the sum of three hundred and fifty thousand dollars, and shall be paid out of the treasury of said county.

Payment of expenses, etc.

No contract to be made until plans are approved, etc.

SECTION 2. No contract shall be made for the construction and equipment of said building until plans, together with the detailed estimates of cost, from reliable parties who are willing and prepared to furnish bonds with satisfactory sureties for the actual performance of the work and the furnishing of the materials, for the amount specified in said estimates, have been submitted to and approved by said commissioners. Such approval shall not be given to any plans submitted until said board is fully satisfied that the cost of the building, together with the cost of land, will not exceed the amount of three hundred and fifty thousand dollars. Said plans, with said detailed

estimates of cost, shall be placed by said commissioners, open to public inspection, in the office of the county treasurer for said county, and shall there so remain for a period of fourteen days, and on and after the expiration of said period said commissioners may proceed to determine upon the plan for said building.

SECTION 3. The commissioners, after said plans have been so approved by them, shall advertise for proposals for said work. Such advertisements shall be published in at least two daily newspapers in the city of Boston, and in at least two daily newspapers in the city of Worcester, for at least two weeks successively prior to the time specified therein for opening said proposals, and said proposals shall not specify any particular party or parties from whom the person receiving the contract shall purchase his materials. The contracts for said work shall be awarded to the lowest responsible bidder, said commissioners having the right to reject any and all bids.

To advertise  
for proposals  
for work, etc.

SECTION 4. At the end of every contract awarded under this act shall be inserted the following clause: — But said party of the second part shall not receive any sum in addition to the sums named in said contract for any additional work done or materials furnished or for any other matter or claim whatever unless, before the additional work or material or matter of the claim shall be done or furnished, said commissioners shall in writing and by their signatures first approve the same and the additional sum or sums to be paid therefor.

Clause to be  
inserted at the  
end of every  
contract.

SECTION 5. Suitable accommodations for the registry of deeds and registry of probate, with court room, offices for the clerk of courts, two court rooms, and rooms for the Worcester county law library shall be provided in said building before the first day of January in the year eighteen hundred and ninety-nine.

Accommoda-  
tions to be pro-  
vided before  
January 1, 1899.

SECTION 6. Said commissioners are hereby authorized to take and hold for said county, by purchase or otherwise, such lands, rights of way and easements as they shall deem necessary in the said city of Worcester, adjoining or in the immediate vicinity of the land on which the court houses now standing in the city of Worcester are now located, for the purpose of erecting said new building thereon for the accommodation of the courts of the Commonwealth and for county offices and purposes, or for their convenient use and approach, in addition to any

May take cer-  
tain lands,  
rights of way,  
etc.

purchasing, taking or holding of any land, rights of way and easements by said commissioners under the authority conferred upon them by chapter three hundred and fifty of the acts of the year eighteen hundred and ninety-six, which said purchase or taking and holding shall not be affected or invalidated in any way hereby.

Description of  
land, etc., to be  
recorded.

SECTION 7. Said commissioners shall, within sixty days after the taking of any land, right of way or easement under this act otherwise than by purchase, in addition to any taking by said prior act, file and cause to be recorded in the Worcester district registry of deeds a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by said commissioners; and the title of the land so taken shall vest in said county in fee.

Damages.

SECTION 8. Said county shall pay all damages sustained by any persons in their property by reason of such additional taking; and if any person sustaining damages and said commissioners fail to agree as to the amount of damages so sustained, said person or said commissioners may within one year from such additional taking file in the office of the clerk of the superior court for said county of Worcester a petition for a jury to determine such damages, and thereupon after such notice as said court shall order the damages shall be determined by a jury in said court in the same manner as damages for land taken for highways in the city of Worcester, and costs shall be taxed as in civil cases. The provisions of section seven of chapter three hundred and fifty of the acts of the year eighteen hundred and ninety-six shall not be affected or the time therein defined extended by the provisions of this act.

1896, 350, § 7,  
not affected, etc.

Payment of  
expenses.

SECTION 9. In order to meet the expenses incurred under this act or under said chapter three hundred and fifty of the acts of the year eighteen hundred and ninety-six the county commissioners may borrow on the credit of said county a sum not exceeding three hundred and fifty thousand dollars. The indebtedness so incurred by said county shall be paid out of the amounts received for taxes as follows: — Fifteen thousand dollars in the years eighteen hundred and ninety-eight, eighteen hundred and ninety-nine and nineteen hundred, and forty thousand dollars in each subsequent year until the whole indebtedness is paid.

SECTION 10. Chapter three hundred and fifty of the Repeal. acts of the year eighteen hundred and ninety-six, except as herein provided, and all other acts or parts of acts inconsistent herewith, are hereby repealed.

SECTION 11. This act shall take effect upon its passage.

*Approved June 3, 1897.*

AN ACT RELATIVE TO DAMAGES CAUSED BY THE CHANGE OF GRADE OF THE BRIDGE ACROSS THE ACUSHNET RIVER BETWEEN THE CITY OF NEW BEDFORD AND THE TOWN OF FAIRHAVEN.

*Chap. 450*

*Be it enacted, etc., as follows:*

SECTION 1. All persons or corporations who have sustained damage in their property by the raising, establishing or reestablishing of the grade of the bridge highway over the Acushnet river in New Bedford, and across Fish island and Pope's island, in the widening, relocation or reconstruction of the old bridge authorized by chapter three hundred and sixty-eight of the acts of the year eighteen hundred and ninety-three and acts in amendment thereof, and who, by reason of the fact that there was no actual taking of any portion of a particular parcel of land owned by them, are not, under the provisions of said act, entitled to damages in respect of such parcel, shall be entitled to damages for such injury as they may have suffered by such raising, establishing or reestablishing of grade. The county commissioners of Bristol county shall, upon application made at any time after the passage of this act but not later than three months after the time said bridge shall, throughout its entire length, be opened for public travel, hear all parties claiming such damages, and shall file in the registry of deeds for the southern district of Bristol county their decree respecting such claims, containing their awards of damages, if any. Any person or corporation aggrieved by such decree may, within six months from the filing thereof, apply for a jury to the superior court to appraise such damages, in the same manner and subject to the same provisions as in case of land taken for a highway.

Certain persons, etc., to be entitled to damages, etc.

Persons, etc., aggrieved may apply for a jury.

SECTION 2. This act shall take effect upon its passage.

*Approved June 3, 1897.*

**Chap.451** AN ACT TO CREATE THE INSANE HOSPITAL DEPARTMENT OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

1897, 395,  
amended in the  
title.

SECTION 1. Chapter three hundred and ninety-five of the acts of the year eighteen hundred and ninety-seven is hereby amended in the title by inserting after the word "Paupers", in the second line, the words:— Insane Persons.

1897, 395, § 1,  
amended.

SECTION 2. Said chapter is hereby further amended by inserting after the word "department", in the second line of section one, the words:— Insane hospital department.

1897, 395, § 4,  
amended.

SECTION 3. Said chapter is hereby further amended by inserting at the end of section four the following:—

Insane hospital  
trustees,  
powers and  
duties, etc.

The board of trustees for the insane hospital department shall be known as the insane hospital trustees, and shall have the general care and control of the Boston lunatic hospital established by the city of Boston under the provisions of chapter one hundred and thirty-one of the acts of the year eighteen hundred and thirty-nine, and all other hospitals that said city has established, or may hereafter establish, for the care or treatment of the insane, and the same shall hereafter be known as the Boston Insane Hospital; and said trustees shall have all the powers relating to the insane and to the institutions in which they are confined, conferred by the statutes of the Commonwealth upon the institutions commissioner of the city of Boston.

When to take  
effect.

SECTION 4. This act shall take effect upon the twelfth day of June of the current year.

*Approved June 3, 1897.*

**Chap.452** AN ACT TO REQUIRE STREET RAILWAY COMPANIES TO ENCLOSE THE PLATFORMS OF CARS DURING CERTAIN MONTHS OF THE YEAR.

*Be it enacted, etc., as follows:*

Certain cars to  
have platforms  
enclosed, etc.

SECTION 1. All cars purchased, built or rebuilt by any street railway company after the first day of January in the year eighteen hundred and ninety-eight, and used by such company in the transportation of passengers during the months of January, February, March, November and December shall, during each of said months, have the platforms of such cars enclosed in such a manner as to protect the motormen, conductors or other employees



operating said cars from exposure to the wind and inclemency of the weather: *provided*, that said platforms shall be so enclosed as not to obstruct the sight of the employees or endanger the safe management of the cars, in such manner as the board of railroad commissioners may determine. Any street railway company which fails or neglects to comply with the provisions of this act shall be fined not more than one hundred nor less than fifty dollars for each day during which such failure or neglect continues.

Proviso.

Penalty.

SECTION 2. The term "car", as used in this act, shall include all cars operated by steam, cable or electricity, which require the constant care or attention of any person on the platforms thereof while they are in motion. The term "company", shall include any corporation, partnership or person owning or operating a street railway.

Certain terms defined.

SECTION 3. The superintendent or manager of any street railway or any officer or agent thereof who causes or permits any violation of the provisions of this act shall be jointly and severally liable with the corporation, partnership or person employing him to the fine hereby imposed, and in default of payment thereof may be committed to jail until the same is paid: *provided*, that he shall not be so committed for a longer period than three months.

Liability for violation of provisions.

Proviso.

SECTION 4. This act shall take effect on the first day of January in the year eighteen hundred and ninety-eight; but it shall not apply to any street cars operated in a city of more than fifty thousand inhabitants, unless the board of railroad commissioners, after hearing and investigation, shall certify that, in its opinion, such cars can be operated therein with safety to the public. But this exemption shall not apply to the cars of any street railway company which shall not, on or before the first day of October in the year eighteen hundred and ninety-seven, file with said board a request for such hearing and investigation.

When to take effect, etc.

*Approved June 3, 1897.*

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AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR  
SUNDRY CHARITABLE EXPENSES. Chap. 453

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Com-

Appropriations.

monwealth from the ordinary revenue, for the purposes specified, to meet expenses for the six months ending on the thirty-first day of December in the year eighteen hundred and ninety-seven, the same to be in addition to any amounts heretofore appropriated for the same purposes, to wit:—

#### STATE BOARD OF LUNACY AND CHARITY.

Board of lunacy and charity.	For expenses of the state board of lunacy and charity, including travelling and other necessary expenses of members, and salary and expenses of the clerk and auditor of said board, a sum not exceeding thirty-five hundred dollars.
Indoor poor.	For salaries and expenses in the department of the indoor poor, a sum not exceeding twenty thousand dollars.
Outdoor poor.	For salaries and expenses in the department of the outdoor poor, a sum not exceeding twelve thousand five hundred dollars.
Inspector of institutions.	For salaries and expenses in the department of the inspector of institutions, a sum not exceeding fifty-five hundred dollars.
Auxiliary visitors.	For travelling and other necessary expenses of the auxiliary visitors of the state board of lunacy and charity, a sum not exceeding seven hundred and fifty dollars.

#### MISCELLANEOUS CHARITABLE.

Transportation of state paupers.	For transportation of state paupers, a sum not exceeding ten thousand dollars.
State lunatic paupers.	For the support and relief of state paupers in the state lunatic hospitals and asylums of the Commonwealth, and of state lunatic paupers boarded out in families, for the present and previous years, a sum not exceeding one hundred thousand dollars.
Indigent and neglected children, etc.	For the care and maintenance of indigent and neglected children and juvenile offenders, to include expenses in connection with the same, a sum not exceeding forty-seven thousand dollars.
Support of certain state paupers.	For the support of state paupers in the Massachusetts School for the Feeble-minded and the Hospital Cottages for Children, a sum not exceeding forty-two hundred and fifty dollars.
Dangerous diseases.	For expenses in connection with smallpox and other diseases dangerous to the public health, for the present

and previous years, a sum not exceeding fifteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved June 3, 1897.*

AN ACT RELATIVE TO THE SALARY AND EXPENSES OF THE SHERIFF OF THE COUNTY OF BRISTOL. *Chap.454*

*Be it enacted, etc., as follows:*

SECTION 1. The salary of the sheriff of the county of Bristol shall be three thousand dollars a year, and he shall also be allowed his necessary travelling expenses, not to exceed four hundred dollars a year, when attending to his official duties. Sheriff of county of Bristol.

SECTION 2. This act shall take effect on the first day of July in the year eighteen hundred and ninety-seven. To take effect July 1, 1897.

*Approved June 3, 1897.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF RICHARD DUDLEY PETERS. *Chap.455*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Boston is hereby authorized to pay to the widow of Richard Dudley Peters late deputy collector of taxes of said city, the balance of salary to which he would have been entitled had he lived and continued to be such officer until the end of the year eighteen hundred and ninety-seven. Widow of Richard Dudley Peters.

SECTION 2. This act shall take effect upon its passage.

*Approved June 3, 1897.*

AN ACT TO REQUIRE CERTAIN PAYMENTS BY MUNICIPALITIES TAKING WATER FROM THE SOUTH BRANCH OF THE NASHUA RIVER, IN CERTAIN CASES. *Chap.456*

*Be it enacted, etc., as follows:*

Section twenty-two of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out in the fourteenth and fifteenth lines, the words "and for the construction, maintenance and operation of said works, the same to", and inserting in place thereof the following: — and if the water is taken from the river above said reservoir it shall pay in addition a fair proportion of the cost of maintaining the purity of said water above the point of said taking; 1896, 488, § 22, amended.

Taking of cer-  
tain water  
by city of  
Worcester and  
certain towns.

and if the water is taken from said reservoir it shall pay in addition a fair proportion of the cost of maintaining the purity of said water and of the cost of constructing and maintaining said dam and reservoir. Said proportions shall, — so as to read as follows:— *Section 22.* The towns of Clinton, Sterling, Boylston, West Boylston, Lancaster, Holden, Rutland, Princeton, Paxton and Leicester, and the city of Worcester, may take from the south branch of the Nashua river, above the dam of the proposed reservoir on said river, so much of the water thereof as they have already been or may hereafter be authorized by the legislature to take, for supplying their inhabitants with water, and in case either of the towns of Lancaster, Holden, Rutland, Princeton, Paxton or Leicester, or the city of Worcester, shall so take water, it shall pay to the Commonwealth, to be paid into the sinking funds for said bonds, a fair proportion of the cost incurred by the Commonwealth for said water, and if the water is taken from the river above said reservoir it shall pay in addition a fair proportion of the cost of maintaining the purity of said water above the point of said taking; and if the water is taken from said reservoir it shall pay in addition a fair proportion of the cost of maintaining the purity of said water and of the cost of constructing and maintaining said dam and reservoir. Said proportions shall be determined by the engineer of said board and an engineer to be appointed by the city or town, and if they cannot agree, the proportion shall be determined by a master to be appointed by the supreme judicial court on the petition of either party interested, and the report of such master made and accepted by said court shall be final and binding on all parties.

*Approved June 3, 1897.*

**Chap. 457** AN ACT RELATIVE TO THE LOCATION AND CONSTRUCTION OF CERTAIN HIGHWAYS IN THE DORCHESTER DISTRICT OF THE CITY OF BOSTON.

*Be it enacted, etc., as follows:*

May lay out,  
alter, etc., cer-  
tain highways  
in city of  
Boston.

**SECTION 1.** The board of street commissioners of the city of Boston may lay out, locate anew, alter, widen or discontinue highways, and may order the construction thereof, in that part of said city known as the Dorchester district, shown on plan "X 18", made by the board of

survey of said city and on file in the office of the city engineer of said city, according to such directions, widths and grades as said board of street commissioners may, after public notice and hearing, deem that the public necessity and convenience require.

SECTION 2. This act shall take effect upon its passage.

*Approved June 3, 1897.*

AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO ISSUE BONDS TO REFUND ITS OUTSTANDING NOTES.

*Chap. 458*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Pittsfield by its city council, for the purpose of refunding its outstanding notes which were issued on account of debts incurred by the said city in building schoolhouses and in procuring land for such schoolhouses, is hereby authorized to issue bonds to an amount not exceeding two hundred thousand dollars. Such bonds shall be payable at the expiration of periods not exceeding twenty years from their date of issue; shall bear interest at a rate not exceeding six per cent. per annum, payable semi-annually; and shall be signed by the mayor and treasurer and countersigned by the auditor of the city.

May issue bonds, etc.

SECTION 2. The said city may authorize temporary loans to be made by its mayor and treasurer in anticipation of the issue of the bonds hereby authorized.

May authorize temporary loans.

SECTION 3. The said city instead of establishing a sinking fund may provide that the said bonds shall be payable in such annual amounts as will in the aggregate extinguish the same within the time prescribed in this act.

May provide for annual payments on loan.

SECTION 4. This act shall take effect upon its passage.

*Approved June 4, 1897.*

AN ACT TO ESTABLISH STAGE FORT PARK IN THE CITY OF GLOUCESTER.

*Chap. 459*

*Be it enacted, etc., as follows:*

SECTION 1. The board of park commissioners of the city of Gloucester is hereby authorized and directed to take by purchase or otherwise and to acquire in fee in the name and for the benefit of said city, for a public park, all that tract of land, flats and beach commonly known as the Stage Fort, in the city of Gloucester, which is bounded on the south and east by the sea, on the north

May take certain land, etc., for park purposes.

by Western avenue in said city, and on the west by said Western avenue and lands of the devisees of John W. Bray and land of others. Said park shall be known as Stage Fort Park, and shall be preserved as a permanent memorial of the first settlement of the Massachusetts Bay Colony.

Damages.

SECTION 2. Said board of park commissioners shall estimate and determine as near as may be all damages sustained by any person or corporation by the taking of land or of any right therein under this act, but any one aggrieved by such determination of the board may have such damages assessed by a jury of the superior court in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways. If upon trial damages are increased beyond the award of the board the aggrieved party shall recover costs, otherwise such party shall pay costs, and costs shall be taxed as in civil cases; but no suit for such damages shall be brought after the expiration of two years from the date of the recording of the taking, as required by the following section.

Description of land, etc., to be recorded.

SECTION 3. Within sixty days after any land or right therein is taken under this act said board shall file and cause to be recorded in the proper registry of deeds a description thereof sufficiently accurate for its identification, with a statement of the purpose for which the same is taken, which description shall be signed by a majority of said board.

Assessment, etc., of betterments.

SECTION 4. Said board shall have the same authority to determine the value of, and assess upon real estate the amount of, betterments accruing to said real estate by the locating and laying out of said park and reservation under this act as is conferred by chapter fifty-one of the Public Statutes upon boards of city or town officers authorized to lay out streets or ways; and the provisions of the first eight sections of said chapter, relating to ways, shall apply to such assessments by said board: *provided, however*, that no assessment shall be laid upon any real estate, except such as abuts upon said park and reservation, or upon a street or way bounded by such park and reservation.

Proviso.

May incur indebtedness beyond debt limit, issue bonds, etc.

SECTION 5. For the purpose of meeting the expenses incurred under this act for the purchase of said park and for the improvement of the same as a public pleasure

ground said city may incur indebtedness outside its debt limit to an amount not exceeding in the aggregate seventy-five thousand dollars. Said city may from time to time as ordered by the city council, with the approval of the mayor, issue bonds, notes or scrip for the amount of the indebtedness above authorized, to be payable within not exceeding forty years from the date of issue, and to bear interest at a rate not exceeding five per cent. per annum. Except as herein otherwise provided the provisions of chapter twenty-nine of the Public Statutes relating to municipal indebtedness and the establishment of sinking funds, and acts in amendment thereof and in addition thereto, shall apply to the indebtedness authorized by this act and the securities issued therefor.

P. S. 29, etc.,  
to apply.

SECTION 6. This act shall be submitted for acceptance to the legal voters of the city of Gloucester at the annual city election in the present year, and the affirmative votes of a majority of the voters shall be sufficient for its acceptance. If so accepted the board of park commissioners of said city shall within sixty days thereafter take the tract of land, flats and beach described in section one of this act, for the purposes of a park as therein provided; and shall thereafter, with as much expedition as possible, take such further steps as may be required to place the same in a condition to be thrown open to the public. Any justice of the supreme judicial or superior court on petition of any twenty or more legal voters of said city may, by any appropriate process in equity, compel said board of park commissioners to perform the duties imposed upon them by this act.

To be submitted  
for acceptance  
at annual city  
election, etc.

SECTION 7. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said city shall take effect upon its passage. If duly accepted as above-provided it shall take full effect from the date of its acceptance, but otherwise it shall be null and void.

When to take  
effect.

*Approved June 4, 1897.*

AN ACT TO PROVIDE FOR THE DISCHARGE OF ATTACHMENTS IN CERTAIN CASES.

*Chap. 460*

*Be it enacted, etc., as follows:*

SECTION 1. Section one hundred and twenty-one of chapter one hundred and sixty-one of the Public Statutes is hereby amended by inserting in the first and eighth

P. S. 161, § 121,  
amended.

Excessive or unreasonable attachments may be reduced, etc.

lines, after the word “excessive”, the words :—or unreasonable,—by inserting in the fourth line, after the word “attachment”, the words :—or for its discharge,—and by adding at the end of the section the words :—or he may in his discretion order such attachment to be discharged,—so as to read as follows :—*Section 121.* If an excessive or unreasonable attachment of goods or estate is made on mesne process, the defendant may apply in writing, in any county, to a justice of the court to which such process is returnable, for a reduction of the amount of the attachment, or for its discharge ; and such justice shall order a notice to the plaintiff, returnable before himself or any other justice of the same court as speedily as circumstances permit. If, upon summarily hearing the parties, it is found that the attachment is excessive or unreasonable, the justice shall order it to be reduced, or a part of the goods or estate to be released, and thereafter the attachment shall be deemed to be reduced or partially released, according to such order ; or he may in his discretion order such attachment to be discharged.

SECTION 2. This act shall take effect upon its passage.

*Approved June 4, 1897.*

**Chap. 461** AN ACT TO AUTHORIZE THE APPOINTMENT OF JUSTICES OF THE PEACE TO ISSUE WARRANTS AND TAKE BAIL IN CERTAIN CITIES.

*Be it enacted, etc., as follows :*

P. S. 155, § 4,  
etc., amended.

SECTION 1. Section four of chapter one hundred and fifty-five of the Public Statutes, as amended by chapter two hundred and eighty-six of the acts of the year eighteen hundred and eighty-four, is hereby amended by inserting after the word “the”, at the end of the second line, the words :—mayor and aldermen of a city or the,—and by inserting after the word “said”, in the sixth line, the words :—city or,—so as to read as follows :—

Appointment  
of justices of  
the peace to  
issue warrants  
and take bail.

*Section 4.* The governor, with the advice and consent of the council, may from time to time, upon the petition of the mayor and aldermen of a city or the selectmen of a town included within the judicial district of a district or police court, and in which neither a justice nor the clerk of such court resides, designate and commission some justice of the peace residing in said city or town, who may issue warrants returnable to said court in crim-



inal cases arising within such judicial district, and take bail therein.

SECTION 2. This act shall take effect upon its passage.

*Approved June 4, 1897.*

AN ACT RELATIVE TO THE SALE OF PROPERTY HELD FOR CHURCHES, CEMETERIES AND OTHER LIKE TRUSTS. Chap. 462

*Be it enacted, etc., as follows :*

The supreme judicial court shall have power to order, upon petition of a party in interest and after notice, the sale or transfer of any real or personal property held for churches, cemeteries or other like trusts, and the investment or disposition of the proceeds ; and said court may make all orders and decrees necessary to secure the rights of owners of pews, and of tombs or lots in cemeteries, and the rights of other persons claiming an interest in such property.

Sale of property held for churches, etc.

*Approved June 4, 1897.*

AN ACT RELATIVE TO FILING IN THE REGISTRY OF DEEDS NOTICE OF THE PENDENCY OF CERTAIN ACTIONS. Chap. 463

*Be it enacted, etc., as follows :*

Section thirteen of chapter one hundred and twenty-six of the Public Statutes is hereby amended by inserting after the word "estate", in the second line, the words :— or the use and occupation thereof or the buildings thereon, — so as to read as follows :— *Section 13.* No writ of entry, petition for partition, or other proceeding, either at law or in equity, affecting the title to real estate, or the use and occupation thereof or the buildings thereon, shall have any effect as against persons other than the parties thereto, their heirs and devisees, and persons having actual notice thereof, until a memorandum containing the names of the parties to such proceeding, the court in which it is pending, the date of the writ or other commencement thereof, the name of the city or town in which the real estate liable to be affected thereby is situated, and a description of such real estate sufficiently accurate for identification, is recorded in the registry of deeds for the county or district in which such real estate is situated ; but this section shall not apply to attachments, levies of execution, or proceedings in the probate courts, nor to any case which was pending on the fifteenth day of June in the year eighteen hundred and seventy-seven.

P. S. 126, § 13, amended.

Certain proceedings affecting title to real estate not to bind third parties without notice until memorandum is recorded in registry of deeds.

*Approved June 4, 1897.*

**Chap.464** AN ACT TO INCREASE THE AMOUNT OF MONEY TO BE PLACED AT THE DISPOSAL OF THE METROPOLITAN PARK COMMISSION FOR GENERAL PURPOSES.

*Be it enacted, etc., as follows:*

Metropolitan  
Parks Loan.

SECTION 1. The metropolitan park commission, created by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, for the purpose of carrying out the provisions of said act and of all acts in amendment thereof or in addition thereto, including chapters four hundred and eighty-three and five hundred and nine of the acts of the year eighteen hundred and ninety-four, and chapter four hundred and fifty of the acts of the year eighteen hundred and ninety-five, may expend the further sum of five hundred thousand dollars in addition to all sums heretofore authorized to be expended by it; and to meet expenditures incurred under authority of this act the treasurer and receiver general shall issue a corresponding amount of scrip or certificates of indebtedness as an addition to the Metropolitan Parks Loan, and shall add to the existing sinking fund heretofore authorized to provide for the payment of the same. Said scrip or certificates of indebtedness shall be issued and additions to said sinking fund so established shall be assessed and collected in accordance with the provisions of sections nine, ten, eleven and twelve of said chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, and the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-five and chapter five hundred and fifty of the acts of the year eighteen hundred and ninety-six.

SECTION 2. This act shall take effect upon its passage.

*Approved June 4, 1897.*

**Chap.465** AN ACT RELATIVE TO THE MASSACHUSETTS HOUSE AT ATLANTA.

*Be it enacted, etc., as follows:*

Massachusetts  
house at Atlanta  
to be conveyed  
to Atlanta  
Chapter  
Daughters of  
American  
Revolution.

SECTION 1. The governor is hereby authorized and requested to convey, in the name and in behalf of this Commonwealth, to the Atlanta Chapter of the Daughters of the American Revolution, all the right, title and interest of this Commonwealth in the house and its appurtenances, used as the Massachusetts headquarters at the Atlanta exposition, and constructed under the provisions

of chapter one hundred and thirteen of the resolves of the year eighteen hundred and ninety-five.

SECTION 2. This act shall take effect upon its passage.

*Approved June 5, 1897.*

AN ACT RELATIVE TO FEMALE POOR DEBTORS.

*Chap. 466*

*Be it enacted, etc., as follows:*

SECTION 1. Police, district and municipal courts and trial justices shall have exclusive original jurisdiction in all proceedings for the examination, arrest, imprisonment and discharge of female poor debtors under the provisions of chapter one hundred and sixty-two of the Public Statutes and acts in amendment thereof and in addition thereto.

Examination,  
etc., of female  
poor debtors.

SECTION 2. A fee of three dollars shall be paid by the petitioner to the clerks of said courts or to said trial justices, when application is made under said chapter, which shall be in lieu of all fees now required by law to be paid for hearings, examinations, and the issuing of all citations, notices, orders and certificates required to be made or issued in such proceedings; and which fee shall be repaid by the judgment debtor if she is adjudged to have property under the provisions of section ten of said chapter. Such fee shall be accounted for in the same manner as fees received in cases of male poor debtors.

Fee to be paid  
by petitioner.

*Approved June 5, 1897.*

AN ACT RELATIVE TO COMPENSATION FOR LOSS OF TAXES OCCASIONED BY THE CONSTRUCTION OF THE METROPOLITAN WATER SYSTEM.

*Chap. 467*

*Be it enacted, etc., as follows:*

SECTION 1. Section sixteen of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, as amended by section one of chapter four hundred and thirty-six of the acts of the year eighteen hundred and ninety-six, is hereby amended by adding at the end thereof the following words:—*provided, however*, that the Commonwealth shall pay annually, on or before the thirty-first day of December, to the towns of West Boylston and Boylston, until such time as the payments to said towns hereinbefore set forth become due and payable, an amount equal to the assessment made by the assessors of each of said towns as of the first

1895, 498, § 16,  
etc., amended.

1896, 488, § 16,  
etc., amended.

City of Boston  
to be reim-  
bursed and cer-  
tain sums to be  
paid to towns of  
Boylston and  
West Boylston.

Provisos.

day of May in the year eighteen hundred and ninety-four, on all property in their towns taken or acquired on or before the first day of May in such year, under the authority of this act; and shall pay to said towns annually, on or before the thirty-first day of December, an amount equal to the assessment made as aforesaid on all real estate in their towns so taken or acquired on or before the first day of May in each year by the Commonwealth, outside the limits of said proposed reservoir, so long as the same shall remain the property of the Commonwealth; and *provided, further*, that no part of the fifty-one hundred and sixty-three acres described in the report of the state board of health on a metropolitan water supply made to the general court in the year eighteen hundred and ninety-five as necessary for said reservoir and the margin around the same shall be included in determining the amount to be paid in consequence of the taking of property outside the limits of said reservoir and margin, — so as to read as follows: — *Section 16.* The treasurer of the Commonwealth shall, from the proceeds of the bonds hereinafter provided for, reimburse the city of Boston for all moneys paid or that may hereafter be paid by said city for land damages, or otherwise, in connection with the location, building or maintenance of reservoirs or basins not yet built, or for lands taken for the preservation or protection of the purity of the waters of any reservoirs, or basins or of the tributaries thereof, and shall pay as part of the expenses of said metropolitan water works to the town of Boylston the sum of three thousand dollars a year and to the town of West Boylston the sum of twelve thousand dollars a year for the year of and each year succeeding said taking of the waters of said Nashua river, so long as each of said towns remains a municipality, and shall pay no tax or other payment to either of said towns on account of any property held by said water board for the purposes of a water supply: *provided, however*, that the Commonwealth shall pay annually, on or before the thirty-first day of December, to the towns of West Boylston and Boylston, until such time as the payments to said towns hereinbefore set forth become due and payable, an amount equal to the assessment made by the assessors of each of said towns as of the first day of May in the year eighteen hundred and ninety-four, on all property in their towns taken or acquired on or before

the first day of May in such year, under the authority of this act; and shall pay to said towns annually, on or before the thirty-first day of December, an amount equal to the assessment made as aforesaid on all real estate in their towns so taken or acquired on or before the first day of May in each year by the Commonwealth, outside the limits of said proposed reservoir, so long as the same shall remain the property of the Commonwealth; and *provided, further*, that no part of the fifty-one hundred and sixty-three acres described in the report of the state board of health on a metropolitan water supply made to the general court in the year eighteen hundred and ninety-five as necessary for said reservoir and the margin around the same shall be included in determining the amount to be paid in consequence of the taking of property outside the limits of said reservoir and margin.

SECTION 2. This act shall take effect upon its passage.

*Approved June 5, 1897.*

AN ACT TO INCORPORATE THE TAUNTON SAFE DEPOSIT AND TRUST COMPANY.

*Chap. 468*

*Be it enacted, etc., as follows:*

SECTION 1. William Reed, Junior, Edward H. Temple, William H. Fox, Charles H. Blain, Charles H. Buffinton, Alfred B. Hodges and Bartlett C. Pierce, their associates and successors, are hereby made a corporation by the name of the Taunton Safe Deposit and Trust Company, with a capital stock of not less than two hundred thousand dollars, with authority to establish and maintain a safe deposit, loan and trust company in the city of Taunton; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Taunton Safe  
Deposit and  
Trust Com-  
pany incor-  
porated.

SECTION 2. This act shall take effect upon its passage.

*Approved June 5, 1897.*

AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW FOR THE PURPOSE OF THE EXTENSION OF THE ESPLANADE.

*Chap. 469*

*Be it enacted, etc., as follows:*

SECTION 1. The city of Cambridge by its city council, is hereby authorized to issue from time to time, or at any

Cambridge  
Charles River  
Improvement  
Loan.

Cambridge  
Charles River  
Improvement  
Loan.

one time, in addition to the amounts now authorized by law, notes, scrip or bonds, to be denominated on the face thereof, Cambridge Charles River Improvement Loan, the total amount thereof not to exceed one hundred thousand dollars, bearing interest not exceeding four per cent. per annum, payable semi-annually, the principal to be payable at periods of not more than forty years from the issuing of such notes, scrip or bonds, respectively. The proceeds of said loans shall be used for the purpose of the extension of the Esplanade, so-called, from the northeasterly end of the esplanade, as now constructed, to Main street; to pay the damages sustained by any person or corporations by the taking of or injury to any of their real estate or property for the purpose aforesaid; to meet and provide for the construction of the said esplanade, including the cost of a sea wall and the filling of the flats included within the limits of the land taken, held or purchased for the extension of said esplanade, and for all other costs and expenses incident thereto.

P. S. 29, §§ 10  
and 11, to  
apply.

SECTION 2. The provisions of sections ten and eleven of chapter twenty-nine of the Public Statutes shall, so far as applicable, apply to said loan.

SECTION 3. This act shall take effect upon its passage.

*Approved June 5, 1897.*

### Chap. 470

AN ACT TO PROVIDE FOR THE FURNISHING OF THE SO-CALLED BULFINCH PORTION OF THE STATE HOUSE.

*Be it enacted, etc., as follows:*

Committee to  
decide upon  
plans for the  
furnishing of  
so-called  
Bulfinch por-  
tion of state  
house.

SECTION 1. His Excellency Roger Wolcott, governor of the Commonwealth, George P. Lawrence, president of the senate, and John L. Bates, speaker of the house of representatives, shall, as a committee serving without pay, consider and decide upon plans for the furnishing of the so-called Bulfinch portion of the state house. Any vacancies occurring in said committee shall be filled by the governor, with the advice and consent of the council.

To employ an  
architect to  
make and sub-  
mit drawings,  
etc.

SECTION 2. For the purpose stated in section one of this act said committee is hereby authorized and directed to employ an architect to make and submit for its approval drawings, specifications and designs. Said architect shall superintend the execution of the work in accordance with such drawings, specifications, designs

and plans as shall be approved by the committee, and in accordance with such changes therein as may thereafter be approved in writing by said committee. The drawings, specifications, designs and plans approved by said committee, and any changes from time to time made therein with the written approval of the committee, shall be delivered to the state house construction commissioners.

Drawings, etc., to be delivered to state house construction commissioners.

SECTION 3. The state house construction commissioners are hereby authorized and directed, upon receipt of said drawings, specifications, designs and plans, to proceed to furnish said Bulfinch portion of the state house in accordance with said drawings, specifications, designs and plans, and under the superintendence of said architect, and to make in behalf of the Commonwealth all contracts and expenditures and to employ all labor which shall be necessary for that purpose, but the expense incurred by said commissioners under the provisions of this act, including the architect's commission, which shall be paid by them, shall not exceed one hundred thousand dollars.

State house construction commissioners to make contracts, employ labor, etc.

SECTION 4. The expenses which may be incurred by said commissioners under the provisions of this act shall be paid from the proceeds of the scrip or certificates of indebtedness authorized to be issued by chapter five hundred and thirty-one of the acts of the year eighteen hundred and ninety-six.

Payment of expenses.

SECTION 5. This act shall take effect upon its passage.

*Approved June 5, 1897.*

AN ACT TO SUPPLY THE TOWN OF BILLERICA WITH WATER.

*Chap. 471*

*Be it enacted, etc., as follows :*

SECTION 1. The town of Billerica may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes ; may establish fountains and hydrants, relocate or discontinue the same ; and may regulate the use of such water and fix and collect rates to be paid for the use of the same : *provided*, that no source of water supply shall be taken under this act for domestic purposes without the recommendation and advice of the state board of health.

Town of Billerica may supply itself with water, etc.

Proviso.

SECTION 2. Said town for the purposes aforesaid may take by purchase or otherwise and hold the waters, or

May take certain waters, etc.

May erect  
structures, lay  
pipes, etc.

so much thereof as may be necessary, of any ponds, springs, streams or wells, or any filter galleries or driven or dug wells that may be constructed upon the shore of any pond or near any spring or streams within the limits of the said town of Billerica, or the water of Concord river or any other water sources within the limits of the said town, with the water rights connected therewith in any case. Said town may erect and construct on the lands taken or held under the authority hereof such wells, filter galleries, dams, buildings, fixtures, reservoirs, stand-pipes and other structures, and may make such excavations and procure and operate such machinery therefor and do such other things, as may be necessary for providing and maintaining complete and effective water works; and for that purpose may construct, lay and maintain aqueducts, conduits, pipes and other works under and over any lands, water courses, roads, railroads or other ways, and along any street, highway or other way in the town of Billerica, in such manner as shall not unnecessarily obstruct the same; and for the purpose of constructing, laying, maintaining and repairing such aqueducts, conduits, pipes and other works, and for all other purposes of this act, said town may dig up, raise and embank any such land, highways or any other ways in such manner as to cause the least hindrance to public travel.

Damages.

Description of  
lands, etc., to  
be recorded,  
etc.

SECTION 3. Said town of Billerica shall be liable to pay all damages to property sustained by any persons or corporations by the taking of any land, right of way, water, water source, water right or easement by said town, or by the construction of any aqueduct, reservoirs or other works for the purposes aforesaid, or by any other thing done by said town under the authority of this act. Said town shall, within ninety days after the taking of any lands, water sources, water rights, rights of way or easements as aforesaid, otherwise than by purchase or agreement, file and cause to be recorded in the registry of deeds for the northern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by a majority of the board of water commissioners hereinafter provided for; and upon such recording the title in the lands, water sources, water rights, rights of way or easements de-



scribed in such statement shall vest in said town. Said board of water commissioners at the time of said taking shall notify in writing the owners of the property and rights so taken. Any person or corporation entitled to damages as aforesaid under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, by making application at any time within the period of two years from the taking of such land or other property or the doing of any injury under the authority of this act; but no application shall be made after the expiration of said two years. No petition for the assessment of damages shall be made for the taking of any water, water right or water source, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act, or after two years from the date of such actual withdrawal or diversion. In case of a petition for the assessment of damages or for a jury said town may at any time file in the office of the clerk of said court an offer in writing to pay the petitioner a sum therein specified as damages, and if said petitioner does not accept the same within ten days after notice of such offer and does not finally recover a sum greater than that offered, not including interest from the date of offer on the sum so recovered, the town shall recover costs from the date of said notice, and the petitioner, if he recovers damages, shall be entitled to costs only to said date.

Assessment of damages in case of failure to agree, etc.

Town may offer a specified sum as damages, etc.

SECTION 4. For the purpose of paying all expenses and liabilities incurred under the provisions of this act said town may issue bonds, notes or scrip, from time to time, signed by the treasurer of the town and countersigned by the board of water commissioners, to be denominated on the face thereof, Billerica Water Loan, to an amount not exceeding ninety thousand dollars, payable at periods not exceeding forty years from the date of issue and bearing interest payable semi-annually at a rate not exceeding six per cent. per annum. And said town may sell said securities at public or private sale, at not less than par, or pledge the same for money borrowed for the purposes of this act upon such terms and conditions as it may deem proper. Said town shall pay the interest upon said loan as it accrues, and shall provide for the

Billerica Water Loan.

Payment of loan.

payment of said principal at maturity by establishing at the time of contracting said debt a sinking fund, or by providing for the payment of said debt by such proportionate annual payments as will extinguish the same within the time prescribed by this act. In case said town shall decide to establish a sinking fund it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity, and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said town shall decide to pay the principal of said loan by instalments such amounts as may be necessary to make such payments shall without further vote of said town be raised annually by taxation, in the same way as money is raised for other town expenses.

Payment of  
expenses, etc.

SECTION 5. Said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for cor-  
ruption of  
water, etc.

SECTION 6. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort: and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Water commis-  
sioners, elec-  
tion, terms, etc.

SECTION 7. Said town shall, after the acceptance of this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners,

who shall be subject however to such instructions, rules and regulations as said town may impose by its vote; the said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose.

To be trustees of sinking fund, etc.

Vacancy.

SECTION 8. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at a legal town meeting called for the purpose within six months from its passage.

When to take effect.

*Approved June 5, 1897.*

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AN ACT RELATIVE TO NEW TRIALS IN CIVIL CAUSES.

*Chap. 472*

*Be it enacted, etc., as follows :*

SECTION 1. In civil causes in which any questions or issues are submitted to a jury a verdict shall not be set aside except upon a motion in writing of one of the parties specifying the grounds relied upon in support of it; and such motion shall be filed and heard, after due notice to the other party, under rules prescribed by the court.

Setting aside of verdicts in certain civil causes.

SECTION 2. No verdict shall be set aside as excessive unless the prevailing party is first given an opportunity to remit so much of said verdict as the court shall adjudge to be excessive.

Certain verdicts not to be set aside as excessive.

SECTION 3. This act shall take effect upon its passage.

*Approved June 7, 1897.*

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AN ACT TO SUPPLY THE TOWN OF STONEHAM WITH WATER.

*Chap. 473*

*Be it enacted, etc., as follows :*

SECTION 1. The metropolitan water board shall on application admit the town of Stoneham into the metropolitan water district, and furnish water to the same on the terms prescribed by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five for the cities and towns included in said metropolitan water district, and on such payment of money as said board may determine; and said town of Stoneham may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, obtaining the same from said board, by applying to be

Town of Stoneham may be admitted into the metropolitan water district, etc.

admitted into said district; and may establish fountains and hydrants, relocate or discontinue the same, may regulate the use of such water and fix and collect rates to be paid for the use of the same.

May take certain lands, rights of way, etc.

May erect structures, lay down pipes, etc.

Title to lands to vest in town, etc.

Description of lands, etc., to be recorded.

Damages.

SECTION 2. Said town, for the purposes aforesaid, may hold and convey the water to be furnished by said metropolitan water board as hereinbefore provided, through said town, and may also take and hold, by purchase or otherwise, all lands, rights of way and easements necessary for holding, storing, purifying and preserving such water and for conveying the same to any part of said town of Stoneham; and may erect on the lands thus taken or held proper dams, reservoirs, buildings, fixtures or other structures; and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under and over any lands, water courses, railroads or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes or other works, and for all proper purposes of this act, said town may dig up any such lands, and may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The title to all lands taken or purchased under the provisions of this act shall vest in said town, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said town.

SECTION 3. Said town shall, within ninety days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the southern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

SECTION 4. Said town shall pay all damages sustained by any person or corporation in property by the taking of any lands, rights of way or easements, or by any other thing done by said town under the authority of this act.

Any person or corporation sustaining damages as afore-said under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on making application at any time within the period of one year from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said one year.

SECTION 5. In every case of a petition to the superior court for an assessment of damages the town may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant, for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the complainant does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered in damages from the date of such offer or tender, the town shall have judgment for its costs after said date, for which execution shall issue; and the complainant if he recovers damages shall be allowed his costs only to the date of such offer or tender.

Town may tender a specified sum as damages, etc.

SECTION 6. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount sufficient for such purpose, to be determined by the board of water commissioners herein-after provided for. Such bonds, notes or scrip shall bear on their face the words, Town of Stoneham Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear interest payable semi-annually at a rate not exceeding four per cent. per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. Said town shall provide at the time

Town of Stoneham Water Loan.

Sinking fund.

of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

May provide for  
annual pay-  
ments on loan.

SECTION 7. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Payment of  
expenses, etc.

SECTION 8. Said town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the current annual expenses of operating its water works, including therein any annual payment to said metropolitan water board, and the interest as it accrues on the notes, bonds and scrip issued as aforesaid by said town, and such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for  
corruption of  
water, etc.

SECTION 9. Whoever uses any water taken under this act without the consent of said town, or wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held by said town pursuant to the provisions of this act, or destroys or injures any structure, work or other property owned, held or used by said town under the authority and for the purposes of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of either of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Liability for  
payment of rent  
for use of water.

SECTION 10. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable in case of non-payment by the occupant for all sums due for the use of water under this act, to be collected in an action of contract in the name of the town of Stoneham.

SECTION 11. Said town shall after the acceptance of this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. No person shall be elected commissioner who holds at the time any town office by popular election. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. The said commissioners shall be trustees of the sinking fund herein provided for and a majority of said commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said board from any cause may be filled for the unexpired term by said town at any legal meeting held for the purpose.

Water commissioners, election, terms, etc.

To be trustees of sinking fund, etc.

Vacancy.

SECTION 12. Said commissioners shall fix such prices or rents for the use of water as shall produce annually as near as may be a net surplus over operating expenses, including therein any annual payment to said metropolitan water board, and interest charges equal to two per cent. of the total amount of the bonds, notes or scrip issued under this act, after paying all current expenses of operating the water works and interest upon loans, and after payment of all expenses for new construction, not exceeding one thousand dollars in any one year after the original construction. The sinking fund shall be set apart for the payment and redemption of said water loan, and shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose. The net surplus aforesaid shall be paid into the sinking fund if any is established hereunder, and if said surplus does not equal two per cent. of the total amount of the bonds, notes and scrip issued under this act the town shall raise by general taxation a sum which with the surplus will equal said two per cent., and shall contribute said sum to the sinking fund. Said commissioners shall annually, and as often as the town may require, render an account of all their doings in relation to the sinking fund, and shall be gov-

To fix prices for use of water, etc.

To render an account of their doings, etc.

erned by the provisions of section eleven of chapter twenty-nine of the Public Statutes, except as herein otherwise provided.

Town of Stoneham may purchase certain property of Wakefield Water Company.

SECTION 13. If within thirty days after this act shall have been accepted by the town of Stoneham, as herein-after provided, the Wakefield Water Company shall notify the chairman of the board of selectmen of said town in writing that it desires to sell to said town such portion of its mains, pipes, hydrants, gates and fixtures as are situated within the territorial limits of the town of Stoneham and are now used for the purpose of supplying said town and its inhabitants with water, excepting however its standpipe and all main pipes through which water is supplied to said standpipe or to the town of Wakefield or its inhabitants, reserving the right to use the property which it desires to sell, as aforesaid, for supplying said town of Stoneham and the inhabitants thereof with water, at rates not exceeding those charged therefor at the time of the passage of this act, for a period not exceeding two years, terminating whenever said town of Stoneham, having voted to purchase as hereinafter provided, shall notify said company in writing that thereafter it desires the exclusive use of said property, said company agreeing to continue to use said property for so supplying water, and to keep the same in good repair for such period, and further agreeing that at the end of said period it shall cease to have any right to supply said town of Stoneham or its inhabitants with water in any manner, and shall file with the town clerk of said town a specification and description of said property, said town shall not proceed to construct a distributing system for the water to be supplied to it and its inhabitants, under the authority of this act, unless it shall have first purchased of said company the property aforesaid; and said company is authorized to make sale of said property to said town, and said town is authorized to purchase the same and manage and use the property thus conveyed for the purposes and under the provisions of this act. Whenever, within one year from the passage of this act, said town shall by a majority vote of the legal voters of said town present and voting thereon at a legal meeting called for that purpose, or at any annual town meeting, vote to purchase said property, notice of the desire of said company to sell the same having been given as hereinbefore provided, said property shall thereupon become the



property of said town, and said town shall pay to said company the fair value thereof, to be ascertained as hereinafter provided. In case said town and said company, after conference thereon, shall be unable to agree upon the value of said property, the supreme judicial court shall, upon application by either party and notice to the other, appoint three commissioners, one of whom shall be learned in the law and one a skilled engineer, who shall determine the fair value of said property, without allowance for past, present or future earnings or earning capacity, good will or any franchise or privilege of said company, and whose award, when accepted by the court, shall be final; but said company shall not be entitled to receive any payment as hereinbefore provided so long as any lien or other incumbrance remains upon said property or any part thereof, unless said commissioners shall otherwise determine, and said award shall not be paid until the time when said company shall finally cease to supply water to said town of Stoneham and its inhabitants, as hereinbefore provided, and it shall draw interest only from that time.

Commissioners to be appointed to determine value of property in case of failure to agree, etc.

SECTION 14. This act, except as provided in section fifteen, shall take effect upon its acceptance by a majority vote of the voters of the town of Stoneham present and voting thereon at a legal town meeting called for the purpose within one year from its passage; but the number of meetings so called shall not exceed three.

To be submitted to voters at a legal town meeting, etc.

SECTION 15. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of said town shall take effect upon its passage, but it shall not take further effect unless and until accepted as hereinbefore provided by the qualified voters of said town.

When to take effect.

*Approved June 7, 1897.*

AN ACT RELATIVE TO ESCAPES AND DISCHARGES FROM THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES.

Chap. 474

*Be it enacted, etc., as follows:*

SECTION 1. If a person held in the Massachusetts hospital for dipsomaniacs and inebriates escapes therefrom, or from the grounds or premises thereof, he may be arrested and returned thereto by any officer authorized to serve criminal process in any county in the Commonwealth, or by any officer or employee of said hospital. It shall be the duty of the superintendent of police of Boston, the city

Persons escaping from Massachusetts hospital for dipsomaniacs and inebriates may be arrested, etc.

marshals and chiefs of police of other cities, and the chief of police of every town having such an officer, upon written information from the superintendent of said hospital of such an escape, to cause the person so escaping to be arrested and returned to said hospital, if he is within such city or town.

Certain patients  
may be  
discharged.

SECTION 2. The board of trustees of the Massachusetts hospital for dipsomaniacs and inebriates are hereby authorized, whenever in their judgment a patient has been long enough in the hospital to enable them to form an opinion as to whether or not the treatment would benefit him, to finally discharge such patient.

SECTION 3. This act shall take effect upon its passage.

*Approved June 8, 1897.*

**Chap. 475** AN ACT RELATIVE TO THE PLACE OF MEETING FOR DETERMINING THE RESULT OF THE ELECTION OF REPRESENTATIVES.

*Be it enacted, etc., as follows:*

1893, 417, § 196,  
amended.

Representative  
district,  
designation of  
place of meet-  
ing of clerks.

SECTION 1. Section one hundred and ninety-six of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting after the word "district", in the sixth line, the words:—or adjacent thereto,—so as to read as follows:—*Section 196.* If a representative district is so composed as to be included within the provisions of the preceding section, the officers authorized by the constitution in each county to divide the county into representative districts shall, in making such division, designate a place in each such district or adjacent thereto, at which the clerks, whose duty it is made by said section to determine the result of the election for representative in such district, shall meet for such purpose. The place of meeting, when once so fixed, may be subsequently changed by the officers having such authority, on petition of two of such clerks and after a hearing; but such change shall not be made oftener than once in two years. Due notice of such designation and of every change thereof shall be given by the officers having such authority to the secretary of the Commonwealth, and to the city and town clerk of every city and town in the district.

SECTION 2. This act shall take effect upon its passage.

*Approved June 8, 1897.*

AN ACT MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. *Chap. 476*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as herein otherwise provided, for the purposes specified in certain acts and resolves of the present year and for certain other expenses authorized by law, to wit : —

For the salary of the second clerk in the office of the board of commissioners of savings banks, as authorized by chapter three hundred and sixty-two of the acts of the present year, the sum of three hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Appropriations.

Second clerk in office of commissioners of savings banks.

For the salary of the junior judge of probate and insolvency for the county of Middlesex, as authorized by chapter three hundred and eighty-three of the acts of the present year, the sum of five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Junior judge of probate and insolvency, county of Middlesex.

For expenses in connection with the new state printing contract, provided for by chapter sixty-six of the resolves of the present year, a sum not exceeding two hundred dollars.

State printing contract.

For the family of the late Joseph T. Pease, as authorized by chapter sixty-eight of the resolves of the present year, the sum of five hundred and twenty-five dollars.

Family of Joseph T. Pease

For salaries and expenses of the agents of the state board of education, as authorized by chapter sixty-nine of the resolves of the present year, the sum of twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Agents of board of education.

For certain improvements at the state lunatic hospital at Danvers, as authorized by chapter seventy of the resolves of the present year, a sum not exceeding eighty thousand dollars.

State lunatic hospital at Danvers.

For expenses in connection with taking a special census in towns having an increased residential population during the summer months, a sum not exceeding one hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Taking a special census in certain towns.

Commission to investigate charitable and reformatory interests, etc.

For the compensation and expenses of the commission to investigate the charitable and reformatory interests and institutions of the Commonwealth, as authorized by chapter sixty of the resolves of the year eighteen hundred and ninety-six, a sum not exceeding eleven hundred dollars, the same to be in addition to the five thousand dollars appropriated by chapter three hundred and seventy-three of the acts of the year eighteen hundred and ninety-six.

Tablet in memory of late Major George Luther Stearns.

For a tablet in memory of the late Major George Luther Stearns, as authorized by chapter seventy-two of the resolves of the present year, a sum not exceeding five hundred dollars.

Massachusetts hospital for dipsomaniacs and inebriates.

To provide for certain improvements at the Massachusetts hospital for dipsomaniacs and inebriates, as authorized by chapter seventy-three of the resolves of the present year, a sum not exceeding five thousand five hundred dollars.

State fish hatchery at Winchester.

For rebuilding the state fish hatchery in the town of Winchester, as authorized by chapter seventy-four of the resolves of the present year, a sum not exceeding three thousand dollars.

Gas and electric light commissioners.

For the necessary expenses of the board of gas and electric light commissioners, to meet the expenses of the investigation of the gas explosion in the city of Boston on the fourth day of March in the year eighteen hundred and ninety-seven, a sum not exceeding twenty-five hundred dollars, the same to be in addition to the amount authorized for the expenses of said commissioners by chapter eight of the acts of the present year.

Preserving war records.

To provide for preserving war records in the office of the adjutant general, as authorized by chapter seventy-five of the resolves of the present year, a sum not exceeding two thousand dollars.

Mary A. Healey.

For Mary A. Healey, as authorized by chapter seventy-six of the resolves of the present year, the sum of four thousand dollars, to be paid out of the Metropolitan Sewerage Loan Fund.

SECTION 2. This act shall take effect upon its passage.

*Approved June 8, 1897.*

# **Chap. 477** AN ACT RELATIVE TO AN ADDITIONAL WATER SUPPLY FOR THE MEDFIELD INSANE ASYLUM.

*Be it enacted, etc., as follows:*

1897, 251, § 4, amended.

SECTION 1. Section four of chapter two hundred and fifty-one of the acts of the year eighteen hundred and

ninety-seven is hereby amended by striking out in the third line, the words "water, water source", by striking out in the third and fourth lines, the words "or by any other thing done by said trustees under the authority of this act", and inserting in place thereof the words: — in land, — and by striking out the last four lines of said section, — so as to read as follows: — *Section 4.* The Commonwealth shall pay all damages sustained by any person or corporation in property by the taking of any land, right of way or easement in land. Any person or corporation sustaining damages as aforesaid under this act, who fails to agree with said trustees as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the purpose of laying out highways, on application at any time within the period of two years from the taking of such land or other property or the doing of other injury under the authority of this act; but no such application shall be made after the expiration of said two years.

Commonwealth  
to pay damages.

SECTION 2. This act shall take effect upon its passage.

*Approved June 8, 1897.*

AN ACT RELATIVE TO STENOGRAPHERS IN THE SUPREME JUDICIAL COURT AND IN CRIMINAL CASES.

*Chap. 478*

*Be it enacted, etc., as follows:*

SECTION 1. In the trial of any criminal case in the superior court, and in the trial of any issue of fact in the supreme judicial court, the presiding justice may appoint a stenographer to take stenographic notes of the evidence taken and of the rulings and charge of the presiding judge. The stenographer so appointed shall be sworn to the faithful performance of his duties and shall receive the sum of ten dollars for each day's actual and necessary attendance at court, to be paid out of the treasury of the county in which the cause is pending. The duties of such stenographer in the case for which he is appointed shall be such as are prescribed to be performed by the official stenographers of the superior court.

Stenographer  
may be  
appointed in  
the trial of  
criminal cases,  
etc.

Compensation,  
duties, etc.

SECTION 2. A justice of the superior court may, upon the request of the district attorney, appoint a stenographer to take stenographic notes of such testimony given before a grand jury as he may direct, and to furnish to the district attorney a transcript fully written out of such part of said notes as he may require. Such stenographer shall be

Stenographer  
may be  
appointed to  
take testimony  
given before a  
grand jury, etc.

sworn to the faithful performance of his duties and shall receive the sum of ten dollars for each day's actual and necessary attendance at court, and the sum of ten cents a hundred words for transcripts furnished to the district attorney, to be paid out of the treasury of the county. But nothing herein contained shall be construed to authorize the taking of any testimony or statement of a grand juror.

*Approved June 8, 1897.*

**Chap. 479** AN ACT TO CHANGE THE HARBOR COMMISSIONERS' LINE IN FRONT OF THE HOOSAC TUNNEL DOCKS ON THE NORTHERLY SIDE OF CHARLES RIVER.

*Be it enacted, etc., as follows :*

Harbor commissioners' line in front of Hoosac Tunnel docks changed.

SECTION 1. The harbor commissioners' line in that part of Boston harbor in front of the Hoosac Tunnel docks on the northerly side of Charles river is hereby changed so that the same shall run as follows, viz. :— Beginning at the point "E" in the present harbor commissioners' line, said point being in the easterly line, produced, of Charles River avenue; thence running northeasterly in a straight line to a point ten feet southerly from the present harbor commissioners' line, at the point "F" measured at right angles with said line; thence northeasterly in a straight line to a point thirty feet southerly from the present harbor commissioners' line, measured at right angles with said line, at the southeasterly corner of land and docks of the Fitchburg Railroad Company and land of the United States of America, being a part of the navy yard; thence turning and running at right angles thirty feet to the present harbor commissioners' line at said corner.

SECTION 2. This act shall take effect upon its passage.

*Approved June 9, 1897.*

**Chap. 480** AN ACT RELATIVE TO THE EMPLOYMENT OF PRISON LABOR IN THE INDUSTRY OF CANE SEATING AND IN THE MANUFACTURE OF UMBRELLAS.

*Be it enacted, etc., as follows :*

1897 412, § 2, amended.

SECTION 1. Section two of chapter four hundred and twelve of the acts of the year eighteen hundred and ninety-seven is hereby amended by adding at the end of said section the words :—except in the industry of cane seating and in the manufacture of umbrellas, —so as to read as

follows:—*Section 2.* Not over thirty per cent. of the number of inmates of any penal institution having more than one hundred inmates shall be employed in any one industry, except in the industry of cane seating and in the manufacture of umbrellas.

Number of inmates which may be employed in any one industry.

SECTION 2. This act shall take effect upon its passage.

*Approved June 9, 1897.*

AN ACT TO INCORPORATE THE PURCHASERS OF THE FRANCHISE AND PROPERTY OF THE BLACKSTONE VALLEY STREET RAILWAY COMPANY.

*Chap. 481*

*Be it enacted, etc., as follows:*

SECTION 1. Matthew J. Whittall, Alfred Thomas, John Hopkins, Fred W. Moore, Charles T. Aldrich, Augustus C. Molt, Louis E. Chase, Ernest E. Clarke, Thomas Wilmarth, Ellsworth E. Howe, Albert L. Fisher, George W. Fisher, Austin G. Kempton, James M. Harvey, Percival M. Whittall, Willard E. Ballou, John E. McClellan and Samuel E. Hull, the purchasers and grantees of the purchasers of the franchise and property of the Blackstone Valley Street Railway Company at a sale thereof heretofore made pursuant to an order of the circuit court of the United States for the district of Massachusetts, in a suit in equity entitled “Abraham Manchester against Blackstone Valley Street Railway Company”, their associates and successors, are hereby made a corporation, with the powers and privileges and subject to the duties, liabilities and restrictions set forth in this act and in the general laws that now are or hereafter may be in force relating to street railway companies.

Purchasers of the franchise and property of the Blackstone Valley Street Railway Company incorporated.

SECTION 2. Said corporation shall adopt at its first meeting for organization a corporate name in conformity with section four of chapter one hundred and thirteen of the Public Statutes; and a duly certified copy of the vote establishing such name shall be forthwith transmitted to the secretary of the Commonwealth and to the board of railroad commissioners.

To adopt a corporate name, etc.

SECTION 3. Said corporation may acquire and hold the franchise, railway, equipment, rights and other property, real and personal, now or lately belonging to the said Blackstone Valley Street Railway Company, may complete said railway and the equipment thereof, may make extensions and necessary additions to said railway

May acquire and hold certain property, etc.

and property, and may maintain and operate the same, subject to the provisions of the general laws aforesaid.

Capital stock  
and bonds.

SECTION 4. For the purposes aforesaid and for any other necessary and lawful purpose said corporation may from time to time issue its capital stock and bonds; but only such amounts of stock or bonds shall be issued, and for such purposes only, as may from time to time be authorized by the board of railroad commissioners in accordance with the general laws applicable to such issues by street railway companies.

SECTION 5. This act shall take effect upon its passage.

*Approved June 9, 1897.*

### *Chap. 482*

AN ACT RELATIVE TO THE FORM OF THE OFFICIAL BALLOT.

*Be it enacted, etc., as follows:*

1893, 417, § 130,  
amended.

The fifth paragraph of section one hundred and thirty of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting in the fifth line, after the word "surnames", the words:—but in case of the names of candidates for the same office but for different terms of service therein, such names of candidates shall be arranged in groups according to the terms of the office to be balloted for,—so that the said paragraph as amended shall read as follows:—The names of candidates for every state, city and town office shall, except in the case of candidates for presidential electors, be arranged under the designation of the office, in alphabetical order according to the surnames; but in case of the names of candidates for the same office but for different terms of service therein, such names of candidates shall be arranged in groups according to the terms of the office to be balloted for. There shall be left at the end of the list of candidates for each different office, as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person not printed on the ballot, for whom he desires to vote for such office. Whenever the approval of a constitutional amendment is submitted to the vote of the people, or any other question is submitted to vote in a city or town in accordance with a statute providing therefor, such question shall be printed on the ballot after the list of candidates.

Arrangement  
of names on the  
official ballot.

*Approved June 9, 1897.*



AN ACT TO AUTHORIZE THE CONSTRUCTION OF A CHANNEL FROM *Chap. 483*  
OSTERVILLE BAY TO VINEYARD SOUND.

*Be it enacted, etc., as follows :*

SECTION 1. The board of harbor and land commissioners is hereby instructed to cause an examination to be made by competent engineers of Osterville harbor, of Cotuit harbor and of the strip of land lying between Osterville bay and Vineyard Sound, at a point between Wiano beach and the mouth of Sepuit river ; and if upon the report of such engineers, which shall be made within four months from the passage of this act, said board shall decide that it would improve the harbor afforded by Osterville bay, without injury to Cotuit bay, to cut a channel from said bay to Vineyard Sound through said strip of land, then said board shall cause such channel to be cut, of such dimensions as said board shall deem necessary for the passage of vessels to and from said Osterville bay and Vineyard Sound.

Channel may be constructed from Osterville bay to Vineyard Sound.

SECTION 2. Said board may take, in the name and behalf of the Commonwealth, any land or materials necessary for the construction of said channel, and the manner of such taking and of determining the damages caused thereby or by any of the doings of said board under the provisions of this act, shall be the same as provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three relative to the taking of land by the metropolitan park commission ; and said board of harbor and land commissioners shall, for the purposes of this act, have all the powers conferred upon said park commission by said sections. The damages, when finally determined, shall be paid to the person or persons entitled thereto from the treasury of the Commonwealth.

May take necessary land, etc.

SECTION 3. To defray the expense of the examination and survey required to be made under this act, and of the excavation of the channel between Osterville bay and Vineyard Sound, and to pay the damages awarded under the provisions of section two of this act, a sum not exceeding eight thousand five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth upon the order of said board of harbor and land commissioners. Not exceeding two thousand dol-

Payment of expenses, etc.

lars of said sum shall be used for the survey and examination of said Osterville bay, Cotuit harbor and the strip of land between said bay and Vineyard Sound; and the balance of said sum, or so much thereof as shall be necessary, may be used in payment of damages awarded under the provisions of section two of this act and in defraying the expense of constructing said channel if said board shall deem the same advisable.

SECTION 4. This act shall take effect upon its passage.

*Approved June 9, 1897.*

**Chap. 484** AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO BORROW MONEY OUTSIDE OF THE LIMIT FIXED BY LAW, FOR THE CONSTRUCTION OF SEWERS AND FOR OTHER PURPOSES.

*Be it enacted, etc., as follows:*

May incur  
indebtedness  
beyond debt  
limit, issue  
bonds, etc.

SECTION 1. The city of Worcester is hereby authorized to borrow, outside of the amount of indebtedness to which said city is limited by the provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto, the sum of one million dollars, at such times and in such amounts as the city council of said city may from time to time by vote direct, to be used for the construction of sewers and for the enlargement of the sewage purification works of said city, under the provisions of chapter one hundred and six of the acts of the year eighteen hundred and sixty-seven and of chapter three hundred and thirty-one of the acts of the year eighteen hundred and eighty-six, and of all acts in amendment thereof and in addition thereto; and for the money so borrowed said city may issue bonds, notes or scrip, payable within thirty years from the date of issue, in such manner and by such officers as the said city council may direct.

Certain existing  
indebtedness  
not to be in-  
cluded in debt  
limit, etc.

SECTION 2. The existing indebtedness of the city of Worcester, so far as the same was incurred in the performance of the duty imposed on said city by the provisions of chapter three hundred and thirty-one of the acts of the year eighteen hundred and eighty-six, in the purification of sewage, shall not be included in the amount of indebtedness to which said city is limited by the provisions of chapter twenty-nine of the Public Statutes and of acts in amendment thereof and in addition thereto, but it is to constitute a part of the sum of one million dollars

which said city is authorized to borrow by the provisions of section one of this act; and, for the purpose of refunding said existing indebtedness, said city may issue bonds, notes or scrip, in the manner, and payable within the time, specified in said section one: *provided, however,* that the total amount of bonds, notes or scrip which may be issued for refunding said indebtedness and for money borrowed under the provisions of said section one shall not exceed one million dollars. Proviso.

SECTION 3. This act shall take effect upon its passage.

*Approved June 10, 1897.*

AN ACT MAKING AN APPROPRIATION FOR CARRYING OUT THE PROVISIONS OF THE ACTS RELATING TO THE EMPLOYMENT OF LABOR IN THE STATE PRISON. Chap.485

*Be it enacted, etc., as follows:*

SECTION 1. The sum of two hundred and twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for maintaining industries at the state prison during the year eighteen hundred and ninety-seven, the same to be in addition to the amounts appropriated by chapter one hundred and five of the acts of the present year. Industries at state prison.

SECTION 2. This act shall take effect upon its passage.

*Approved June 10, 1897.*

AN ACT TO SECURE PUBLIC OWNERSHIP AND CONTROL OF CERTAIN PORTIONS OF THE FORESHORE OF BOSTON HARBOR. Chap.486

*Be it enacted, etc., as follows:*

SECTION 1. For the purpose of securing public ownership and control of certain portions of the foreshore of Boston harbor the board of harbor and land commissioners, subject to the approval of the governor and council, is hereby authorized to purchase or otherwise take in fee from time to time, in the name and behalf of the Commonwealth, such portions of the following described parcel of land and flats as said board may deem necessary, namely: — The land and flats on the easterly side of East Boston, bounded southwesterly by the southwesterly side line of Sumner street extended, southeasterly by the United States pier-head line, northeasterly by the flats owned by the city of Boston and appurtenant to the Harbor and land commissioners may take certain land, etc.

Takings to be  
made before  
July 1, 1899.

Damages.

Description of  
land, etc., to be  
recorded.

Harbor Im-  
provement  
Loan.

Wood Island Park, northwesterly by a line parallel with and fifteen hundred feet inside of or shoreward from said pier-head line. Said board may also take the fee or such rights in any flats lying between said parcel of land and flats and the channels of the harbor, as it may deem necessary. All takings of land and flats or rights therein under the authority of this act must be made before the first day of July in the year eighteen hundred and ninety-nine.

SECTION 2. Said board shall estimate and determine, as soon as may be, all damages sustained by any person or corporation by the taking of land and flats or any right therein under this act; but any one aggrieved by such determination of the board may have such damages assessed by a jury of the superior court in Suffolk county, in the same manner as is provided by law 'with respect to damages sustained by the reason of the laying out of ways. If upon trial damages are increased beyond the award of the board the aggrieved party shall recover costs, otherwise said party shall pay costs, and costs shall be taxed as in civil cases; but no suit for such damages shall be brought after the expiration of one year from the date of the recording of the taking, as required by the following section.

SECTION 3. Within sixty days after any land, flats or rights therein are acquired or taken under this act the board shall file and cause to be recorded in the registry of deeds for the county of Suffolk a description thereof sufficiently accurate for their identification, with a statement that the lands, flats or rights therein are taken under the provisions of this act, in the name and behalf of the Commonwealth. Said description and statement shall be signed by said board, or a majority thereof, and certified as approved by the governor and council.

SECTION 4. To meet the expenses incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding one hundred thousand dollars, for a term not exceeding forty years. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of January and July in each year, shall be redeemable at maturity in the gold

coin of the United States, or its equivalent, shall be designated on the face thereof, Harbor Improvement Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth. Said scrip or certificates shall be sold in such instalments as the governor and council may determine, by public advertisement, to the lowest bidder, at not less than the par value thereof, or in such other manner as the governor and council may determine to be for the best interest of the Commonwealth; and the treasurer and receiver general shall apportion to a sinking fund from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be included in and be made a part of the annual state tax levy, and any premium over the par value of said bonds received from the sale thereof shall form part of the sinking fund for their redemption.

Sinking fund,  
etc.

SECTION 5. In addition to the powers heretofore granted said board may make contracts for the filling, improvement and use of any or all of the land and flats so taken, upon such plans as it may deem best; shall have power to excavate channels and dredge material in the harbor wherever in the opinion of said board the public convenience and necessity may require; shall have charge and management of all the wharves, docks and foreshore owned by the Commonwealth and not otherwise provided for, and may from time to time lease the same in parcels, improved or unimproved, for periods not exceeding fifteen years. All such contracts and leases shall be subject to the approval of the governor and council.

May make con-  
tracts, lease  
wharves, etc.

SECTION 6. The loan issued under the authority of this act shall be in addition to and a part of the loan authorized by an act passed at the present session, entitled "An Act to provide for the construction of a pier and dock on the Commonwealth's flats at South Boston", and one sinking fund shall be maintained for the retirement at maturity of all the bonds issued under the authority of both acts.

To be in addi-  
tion to loan  
authorized by  
1897, 513.

SECTION 7. This act shall take effect upon its passage.

*Approved June 10, 1897.*

**Chap.487** AN ACT RELATIVE TO THE FORFEITURE OF LIQUORS SEIZED UNDER THE PROVISIONS OF CHAPTER TWO HUNDRED AND SEVENTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND NINETY-SEVEN AND THE PENALTIES TO BE IMPOSED THEREUNDER.

*Be it enacted, etc., as follows :*

1897, 271, § 5,  
amended.

Penalties.

P. S. 100 to  
apply.

SECTION 1. Section five of chapter two hundred and seventy-one of the acts of the year eighteen hundred and ninety-seven is hereby amended by inserting after the word "in", in the second line, the words:—section eighteen of,—so as to read as follows:—*Section 5.* Any person who violates any of the provisions of this act shall be liable to the penalties provided in section eighteen of chapter one hundred of the Public Statutes and in acts in amendment thereof.

SECTION 2. The provisions of chapter one hundred of the Public Statutes relating to the seizure and forfeiture of intoxicating liquors shall apply to the provisions of chapter two hundred and seventy-one of the acts of the year eighteen hundred and ninety-seven.

SECTION 3. This act shall take effect upon its passage.

*Approved June 10, 1897.*

**Chap.488** AN ACT TO CHANGE THE NAME OF THE HITCHCOCK FREE HIGH SCHOOL, AND FOR OTHER PURPOSES.

*Be it enacted, etc., as follows :*

1871, 121, § 1,  
amended.

Name changed.

1888, 32, § 1,  
amended.

Hitchcock Free  
High School,  
trustees.

SECTION 1. Section one of chapter one hundred and twenty-one of the acts of the year eighteen hundred and seventy-one is hereby amended by striking out the words "High School", in the third line, and inserting in place thereof, the word:—Academy,—so as to read as follows:—*Section 1.* The Hitchcock Free Grammar School, in the town of Brimfield, shall hereafter be called and known as the Hitchcock Free Academy.

SECTION 2. Section one of chapter thirty-two of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out in the eighth, ninth and tenth lines, the words "*provided, however, that at least nine of said trustees shall be residents of the town of Brimfield*",—so as to read as follows:—*Section 1.* Chapter two hundred and twenty-five of the acts of the year eighteen hundred and fifty-five, as amended by chapter one hundred and ninety of the acts of the year eighteen

hundred and seventy-five, is hereby further amended so that the number of trustees of the Hitchcock Free High School in Brimfield shall be fifteen instead of thirteen, and any suitable person shall be eligible to the office of trustee.  
*Approved June 10, 1897.*

AN ACT TO PROVIDE FOR THE COMPLETION OF THE STATE HOUSE *Chap. 489*  
 EXTENSION.

*Be it enacted, etc., as follows:*

SECTION 1. To provide for the completion of the state house extension, so-called, as authorized by chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding one hundred and twenty-five thousand dollars, for a term not exceeding twenty years, the same to be in addition to any amount previously authorized. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding three per cent. per annum, payable semi-annually on the first days of April and October in each year, shall be redeemable at maturity in the gold coin of the United States or its equivalent, shall be designated on the face thereof, State House Construction Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth; and said scrip or certificates of indebtedness shall be sold in such instalments as the governor and council may determine, by public advertisement to the highest bidder, at not less than the par value thereof, or in such other manner as the governor and council may determine to be for the best interests of the Commonwealth. The sinking fund established by chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by said bonds. The amount necessary to meet the annual sinking fund required and to pay the interest on said bonds shall be included in

State House  
 Construction  
 Loan.

Sinking fund.

Takings to be  
made before  
July 1, 1899.

Damages.

Description of  
land, etc., to be  
recorded.

Harbor Im-  
provement  
Loan.

Wood Island Park, northwesterly by a line parallel with and fifteen hundred feet inside of or shoreward from said pier-head line. Said board may also take the fee or such rights in any flats lying between said parcel of land and flats and the channels of the harbor, as it may deem necessary. All takings of land and flats or rights therein under the authority of this act must be made before the first day of July in the year eighteen hundred and ninety-nine.

SECTION 2. Said board shall estimate and determine, as soon as may be, all damages sustained by any person or corporation by the taking of land and flats or any right therein under this act; but any one aggrieved by such determination of the board may have such damages assessed by a jury of the superior court in Suffolk county, in the same manner as is provided by law with respect to damages sustained by the reason of the laying out of ways. If upon trial damages are increased beyond the award of the board the aggrieved party shall recover costs, otherwise said party shall pay costs, and costs shall be taxed as in civil cases; but no suit for such damages shall be brought after the expiration of one year from the date of the recording of the taking, as required by the following section.

SECTION 3. Within sixty days after any land, flats or rights therein are acquired or taken under this act the board shall file and cause to be recorded in the registry of deeds for the county of Suffolk a description thereof sufficiently accurate for their identification, with a statement that the lands, flats or rights therein are taken under the provisions of this act, in the name and behalf of the Commonwealth. Said description and statement shall be signed by said board, or a majority thereof, and certified as approved by the governor and council.

SECTION 4. To meet the expenses incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding one hundred thousand dollars, for a term not exceeding forty years. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of January and July in each year, shall be redeemable at maturity in the gold



coin of the United States, or its equivalent, shall be designated on the face thereof, Harbor Improvement Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth. Said scrip or certificates shall be sold in such instalments as the governor and council may determine, by public advertisement, to the lowest bidder, at not less than the par value thereof, or in such other manner as the governor and council may determine to be for the best interest of the Commonwealth; and the treasurer and receiver general shall apportion to a sinking fund from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be included in and be made a part of the annual state tax levy, and any premium over the par value of said bonds received from the sale thereof shall form part of the sinking fund for their redemption.

Sinking fund,  
etc.

SECTION 5. In addition to the powers heretofore granted said board may make contracts for the filling, improvement and use of any or all of the land and flats so taken, upon such plans as it may deem best; shall have power to excavate channels and dredge material in the harbor wherever in the opinion of said board the public convenience and necessity may require; shall have charge and management of all the wharves, docks and foreshore owned by the Commonwealth and not otherwise provided for, and may from time to time lease the same in parcels, improved or unimproved, for periods not exceeding fifteen years. All such contracts and leases shall be subject to the approval of the governor and council.

May make con-  
tracts, lease  
wharves, etc.

SECTION 6. The loan issued under the authority of this act shall be in addition to and a part of the loan authorized by an act passed at the present session, entitled "An Act to provide for the construction of a pier and dock on the Commonwealth's flats at South Boston", and one sinking fund shall be maintained for the retirement at maturity of all the bonds issued under the authority of both acts.

To be in addi-  
tion to loan  
authorized by  
1897, 518.

SECTION 7. This act shall take effect upon its passage.

*Approved June 10, 1897.*

**Chap. 487** AN ACT RELATIVE TO THE FORFEITURE OF LIQUORS SEIZED UNDER THE PROVISIONS OF CHAPTER TWO HUNDRED AND SEVENTY-ONE OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND NINETY-SEVEN AND THE PENALTIES TO BE IMPOSED THEREUNDER.

*Be it enacted, etc., as follows:*

1897, 271, § 5,  
amended.

Penalties.

P. S. 100 to  
apply.

SECTION 1. Section five of chapter two hundred and seventy-one of the acts of the year eighteen hundred and ninety-seven is hereby amended by inserting after the word "in", in the second line, the words:—section eighteen of,—so as to read as follows:—*Section 5.* Any person who violates any of the provisions of this act shall be liable to the penalties provided in section eighteen of chapter one hundred of the Public Statutes and in acts in amendment thereof.

SECTION 2. The provisions of chapter one hundred of the Public Statutes relating to the seizure and forfeiture of intoxicating liquors shall apply to the provisions of chapter two hundred and seventy-one of the acts of the year eighteen hundred and ninety-seven.

SECTION 3. This act shall take effect upon its passage.

*Approved June 10, 1897.*

**Chap. 488** AN ACT TO CHANGE THE NAME OF THE HITCHCOCK FREE HIGH SCHOOL, AND FOR OTHER PURPOSES.

*Be it enacted, etc., as follows:*

1871, 121, § 1,  
amended.

Name changed.

1888, 32, § 1,  
amended.

Hitchcock Free  
High School,  
trustees.

SECTION 1. Section one of chapter one hundred and twenty-one of the acts of the year eighteen hundred and seventy-one is hereby amended by striking out the words "High School", in the third line, and inserting in place thereof, the word:—Academy,—so as to read as follows:—*Section 1.* The Hitchcock Free Grammar School, in the town of Brimfield, shall hereafter be called and known as the Hitchcock Free Academy.

SECTION 2. Section one of chapter thirty-two of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out in the eighth, ninth and tenth lines, the words "*provided, however,* that at least nine of said trustees shall be residents of the town of Brimfield",—so as to read as follows:—*Section 1.* Chapter two hundred and twenty-five of the acts of the year eighteen hundred and fifty-five, as amended by chapter one hundred and ninety of the acts of the year eighteen

hundred and seventy-five, is hereby further amended so that the number of trustees of the Hitchcock Free High School in Brimfield shall be fifteen instead of thirteen, and any suitable person shall be eligible to the office of trustee.

*Approved June 10, 1897.*

AN ACT TO PROVIDE FOR THE COMPLETION OF THE STATE HOUSE *Chap. 489*  
EXTENSION.

*Be it enacted, etc., as follows:*

SECTION 1. To provide for the completion of the state house extension, so-called, as authorized by chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding one hundred and twenty-five thousand dollars, for a term not exceeding twenty years, the same to be in addition to any amount previously authorized. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding three per cent. per annum, payable semi-annually on the first days of April and October in each year, shall be redeemable at maturity in the gold coin of the United States or its equivalent, shall be designated on the face thereof, State House Construction Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth; and said scrip or certificates of indebtedness shall be sold in such instalments as the governor and council may determine, by public advertisement to the highest bidder, at not less than the par value thereof, or in such other manner as the governor and council may determine to be for the best interests of the Commonwealth. The sinking fund established by chapter three hundred and ninety-four of the acts of the year eighteen hundred and eighty-nine shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by said bonds. The amount necessary to meet the annual sinking fund required and to pay the interest on said bonds shall be included in

State House  
Construction  
Loan.

Sinking fund.

and be made a part of the annual state tax levy, and any premium over the par value of said bonds received on the sale thereof shall form part of the sinking fund for their redemption.

Settlement of  
claim of  
Norcross  
Brothers.

SECTION 2. The state house construction commissioners are hereby authorized to expend so much of this appropriation, not exceeding fifty thousand dollars, as may be necessary to settle the claim of Norcross Brothers for damage to them by the enforced delay in the performance of their contract for mason work.

SECTION 3. This act shall take effect upon its passage.

*Approved June 10, 1897.*

**Chap. 490** AN ACT RELATIVE TO THE CRIMINAL BUSINESS OF THE SUPERIOR COURT.

*Be it enacted, etc., as follows:*

Superior court  
to be always  
open for  
criminal busi-  
ness, etc.

SECTION 1. The superior court shall always be open for criminal business in every county, and there shall no longer be terms for such business. Any business of said court or of the justices thereof in criminal cases may be transacted at any time. Jury sittings of said court shall be held as heretofore at the times and places now established by law for holding terms for the transaction of criminal business, or in which criminal business is transacted.

Word "term"  
defined.

SECTION 2. The word "term", when used in statutes relating to the criminal business of the superior court shall be construed to mean "sitting".

Return day for  
entry of certain  
suits, etc.

SECTION 3. The first Monday of every month shall be a return day for the entry of suits upon recognizances and bonds in criminal cases, and appeals from municipal, police and district courts and trial justices. Such appeals shall be entered on the return day next after the appeal is taken. Such suits may be made returnable at the option of the district attorney at any such return day within three months after the date thereof. Trials by jury upon such suits shall be had at criminal sittings; and for the purposes of filing, docketing and recording they shall be deemed to be criminal cases.

Trials in  
counties where  
both civil and  
criminal  
sittings are  
established.

SECTION 4. In the counties where both civil and criminal sittings of the superior court are established criminal cases only shall be tried by jury in the criminal sittings, and civil cases only in civil sittings.

Special jury  
sittings may  
be ordered, etc.

SECTION 5. The chief justice of the superior court may by an order in writing directed to the sheriff of the county

order a special jury sitting of the court to be held in any county at such time and place as he shall direct. The sheriff shall give notice of such special sitting in such manner as shall be directed in the order therefor; but no person under recognizance to answer to a criminal complaint or indictment shall be held to appear at said special sitting, or at any other time and place than the regular sittings of the court, unless duly notified by written summons from the clerk.

SECTION 6. The chief justice may by order in writing directed to the sheriff cause the grand jury in any county to be assembled at such time and place as may be appointed in such order.

Assembling of grand jury.

SECTION 7. Grand jurors, in each county excepting Suffolk, shall be held to serve until the first regular sitting of the year next after they were empanelled, and until another grand jury is empanelled.

Term which grand jurors shall be held to serve.

SECTION 8. All writs, recognizances and appeals in criminal cases which before this act takes effect shall have been made returnable to or answerable in a term of the superior court, after this act takes effect shall be entered in and be lawfully returnable to and answerable in the sitting of said court provided by the first section hereof, in place of said term.

Writs, recognizances, etc.

SECTION 9. Sections nineteen, twenty, twenty-one, twenty-two and twenty-three of chapter one hundred and fifty-two of the Public Statutes are hereby repealed.

Repeal.

SECTION 10. This act shall take effect on the first day of July next.

When to take effect.

*Approved June 10, 1897.*

AN ACT RELATIVE TO THE LIABILITY OF EMPLOYERS TO MAKE COMPENSATION FOR PERSONAL INJURIES SUFFERED BY EMPLOYEES IN THEIR SERVICE.

*Chap. 491*

*Be it enacted, etc., as follows:*

SECTION 1. One or more cars in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause three of section one of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-seven and acts in addition thereto or in amendment thereof.

One or more cars in motion to constitute a train, etc.

SECTION 2. Any person who, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch or train shall be deemed to be a person in charge or control of a signal, switch or train within the meaning of clause three of section one of chapter

Certain person to be deemed in charge of signal, switch, etc.

two hundred and seventy of the acts of the year eighteen hundred and eighty-seven and acts in addition thereto or in amendment thereof. *Approved June 10, 1897.*

**Chap.492** AN ACT RELATIVE TO CERTIFICATES AND RETURNS OF CORPORATIONS.

*Be it enacted, etc., as follows :*

Certificates of condition of certain corporations to be accompanied by auditor's certificate.

SECTION 1. Every corporation whose capital stock is one hundred thousand dollars or more, which is required to file a certificate of its condition annually with the secretary of the Commonwealth by section fifty-four of chapter one hundred and six of the Public Statutes, chapter two hundred and twenty-five of the acts of the year eighteen hundred and eighty-seven as amended by chapter three hundred and sixty-nine of the acts of the year eighteen hundred and ninety-six, or chapter three hundred and forty-one of the acts of the year eighteen hundred and ninety-one, shall cause such certificate to be accompanied by a written statement made under oath by an auditor to be employed by a committee of three stockholders who are not directors, selected at the annual meeting of the stockholders, stating that the certificate aforesaid represents the true condition of the affairs of said corporation as disclosed by its books at the time of making such audit ; and said sworn statement made by said auditor shall be attached to and form a part of said certificate, and shall be filed by such auditor with said certificate in the office of the secretary of the Commonwealth : *provided, however*, that where less than three stockholders exist outside of the directors, then the employment of such auditor shall be made by the directors of such corporation.

Proviso.

Auditors to qualify.

SECTION 2. Every auditor appointed under the provisions of this act shall first qualify as such before the commissioner of corporations, or some justice of the peace in the office of said commissioner.

*Approved June 10, 1897.*

**Chap.493** AN ACT TO AUTHORIZE THE HUDSON RIVER AND BERKSHIRE RAILROAD COMPANY TO EXTEND ITS RAILROAD INTO MASSACHUSETTS.

*Be it enacted, etc., as follows :*

The Hudson River and Berkshire Railroad Company may

SECTION 1. The Hudson River and Berkshire Railroad Company, a corporation created by the laws of the state of New York, is hereby authorized to locate, con-

struct, maintain and operate an extension of its railroad, with one or more tracks, from a point in the boundary line between this Commonwealth and the state of New York, at some point on the western boundary line of the town of Mount Washington, through the towns of Mount Washington, Egremont, Great Barrington, Monterey, Otis, Sandisfield, Tolland, Granville, Blandford, Russell, Southwick, Westfield, Agawam and West Springfield, to Springfield or to any intermediate point upon said route, such extension to be located, constructed, maintained and operated, subject to all laws which now are or may hereafter be in force relating to railroad corporations in this Commonwealth.

extend its railroad into Massachusetts.

SECTION 2. Said company may from time to time, by the vote of a majority in interest of the stockholders, issue coupon or registered bonds, provided that no issue of bonds shall be made unless there shall have actually been paid in an amount of capital stock equal to the amount of such issue. To secure the payment of such bonds the said company may make a mortgage of its road, franchise and other property, and may include in such mortgage property thereafter to be acquired, and may therein reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may have become worn, damaged, or unsuitable for use of the corporation or its road, provided an equivalent in value is substituted therefor.

May issue mortgage bonds, etc.

SECTION 3. Said railroad company shall not locate or commence the work of construction upon its road within this Commonwealth, or enter upon and use land or other property, except for making surveys, until it has complied with all the provisions of sections eighty-five and eighty-six of chapter one hundred and twelve of the Public Statutes.

To comply with certain provisions of law before commencing construction.

SECTION 4. Said railroad company shall not issue or increase its capital stock or bonds except by and with the approval of the board of railroad commissioners of this Commonwealth, and under the provisions and restrictions of chapter four hundred and sixty-two of the acts of the year eighteen hundred and ninety-four, and any other acts now or hereafter in force regulating the issue and increase of capital stock and bonds of railroad corporations organized under the laws of the Commonwealth of Massachusetts. Any issue or increase of capital stock or bonds

Issue or increase of stock or bonds to be approved by railroad commissioners, etc.

not in accordance with this section shall be deemed to be a forfeiture of the powers and privileges granted by this act.

To be subject to certain provisions of law, etc.

SECTION 5. Said railroad company shall be subject to the provisions of chapter three hundred and thirty of the acts of the year one thousand eight hundred and eighty-four and all acts in amendment thereof and in addition thereto; and in consideration of the powers and privileges hereby granted the said corporation agrees not to make application to change the venue, or to remove to a circuit or district court of the United States any suit or action which shall be commenced against it in any court of this Commonwealth, and in case such application for removal is made it is hereby provided that all the rights and privileges hereby granted, shall be deemed to be forfeited.

To have certain rights, privileges, etc.

SECTION 6. Said railroad company, or any corporation which shall take or succeed to its franchise, shall have the rights, privileges and immunities and be subject to the duties, taxes, liabilities, provisions and restrictions created by all general laws now or hereafter in force relating to railroad corporations.

To locate and construct extension before July 1, 1900.

SECTION 7. Said corporation shall locate and construct the extension hereinbefore authorized before the first day of July in the year nineteen hundred.

Rights, privileges, etc., to be forfeited under certain conditions, etc.

SECTION 8. The rights, privileges and franchises conferred by this act are granted upon condition that if and when said railroad company, its successors or assigns, shall fail to comply with the provisions of this act or with any general law of this Commonwealth applicable to railroad corporations owning or operating railroads therein, all such rights, privileges and franchises shall be forfeited and shall become null and void. Upon application of the attorney-general, the supreme judicial court or the superior court may declare and enforce such forfeiture, or may enjoin the further prosecution of the business of the company in this Commonwealth.

To be subject to amendment, etc.

SECTION 9. This act shall be subject to amendment, alteration or repeal at the pleasure of the general court.

When to take effect.

SECTION 10. This act shall take effect upon its passage, but shall become void and of no effect at the expiration of one year thereafter, unless in the meantime application has been made to the general court by or in behalf of said company for the incorporation or establishment of said company as a railroad corporation in and under the laws of this Commonwealth.

*Approved June 10, 1897.*



AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF *Chap.494*  
MONEY TO THE WIDOW OF MICHAEL F. O'NEIL.

*Be it enacted, etc., as follows :*

SECTION 1. The city of Boston is hereby authorized Widow of Michael F. O'Neil.  
to pay to the widow of Michael F. O'Neil late district  
foreman in the street department of said city, the balance  
of salary to which he would have been entitled had he  
lived and continued to be such officer until the end of the  
year eighteen hundred and ninety-seven.

SECTION 2. This act shall take effect upon its passage.

*Approved June 10, 1897.*

AN ACT RELATIVE TO CERTAIN LOANS HERETOFORE AUTHORIZED *Chap.495*  
TO BE MADE BY THE TOWN OF BOURNE AND BY THE COUNTY OF  
BARNSTABLE.

*Be it enacted, etc., as follows :*

SECTION 1. Section four of chapter one hundred and  
thirty-nine of the acts of the year eighteen hundred and  
ninety-six is hereby amended by adding at the end thereof  
the words : — in such form, in such amounts and payable  
at such times, not exceeding twenty years, as said town  
or the county commissioners of said county may by ma-  
jority vote determine, — so as to read as follows : — *Sec-*  
*tion 4.* Said county or said town of Bourne may severally 1896, 139, § 4,  
amended.  
borrow upon their note or notes or other obligations such  
sums as they severally may deem necessary to comply  
with the provisions of this act, in such form, in such  
amounts and payable at such times, not exceeding twenty  
years, as said town or the county commissioners of said  
county may by majority vote determine. May borrow  
upon note, etc.

SECTION 2. This act shall take effect upon its passage.

*Approved June 10, 1897.*

AN ACT RELATIVE TO THE FILING OF INCORPORATION PAPERS BY *Chap.496*  
CERTAIN CORPORATIONS, FOR RECORD IN THE OFFICE OF THE  
SECRETARY OF THE COMMONWEALTH.

*Be it enacted, etc., as follows :*

SECTION 1. Section twenty-five of chapter thirty-eight P. S. 88, § 25,  
amended.  
of the Public Statutes is hereby amended by adding at the  
end of said section the words : — It shall be the duty of

Calling first meeting of religious society for organization as a corporation.

Proviso.

Certificate to be filed with secretary of the Commonwealth.

P. S. 38, § 29, amended.

the moderator and clerk, forthwith to make, sign, swear to and file for record in the office of the secretary of the Commonwealth, a certificate setting forth the name of the corporation, its purpose, the city or town, and county where located, the date of the meeting for organization and any adjournments thereof, together with any other facts of importance contained in the proceedings of organization hereinbefore referred to, otherwise the organization shall be void,—so as to read as follows:— *Section 25.* Any justice of the peace may, upon application in writing by five or more of the qualified voters of such society, issue his warrant directed to some one of the applicants, stating the objects of the proposed meeting, and requiring him to warn the qualified voters of the society to meet at a time and place appointed in the warrant; and such warrant may be served by posting an attested copy thereof on the principal outer door of the meeting-house of such society, or by leaving such copy with, or at the last and usual places of abode of, the qualified voters of the society seven days at least before such meeting; and, upon due return thereof, the same or any other justice of the peace may preside at the meeting for the choice and qualification of a clerk, who shall enter at large upon the records of the society the proceedings had in the organization thereof; and the society may thereupon proceed to choose a moderator and to do such other things as parishes are by law authorized to do at their annual meetings: *provided* the subject-matter thereof is inserted in the warrant. It shall be the duty of the moderator and clerk, forthwith to make, sign, swear to and file for record in the office of the secretary of the Commonwealth, a certificate setting forth the name of the corporation, its purpose, the city or town, and county where located, the date of the meeting for organization and any adjournments thereof, together with any other facts of importance contained in the proceedings of organization hereinbefore referred to, otherwise the organization shall be void.

**SECTION 2.** Section twenty-nine of chapter thirty-eight of the Public Statutes is hereby amended by inserting in the fourth line, after the word “built”, the words:—and also with the secretary of the Commonwealth,—and by striking out in the sixth line, after the word “such”, the word “copy”, and inserting in place thereof the word:—copies,—and by inserting in the sixth line, before the

word "clerk", the words: — city or town, — and by inserting in the same line, after the word "clerk", the words: — and by the secretary of the Commonwealth, — and by striking out in the same line, the words "receiving it", and by striking out in the seventh line, after the word "same", the word "he", and inserting in place thereof the word: — they, — and by inserting in the same line, after the word "shall", the word: — each, — so as to read as follows: — *Section 29.* The clerk of every such corporation shall, within ten days after the meeting at which it was organized, leave with the clerk of the town or city in which its house of worship is situated, or is about to be built, and also with the secretary of the Commonwealth, a true copy of the record of the proceedings at such meeting. If he fails so to do, the organization shall be void. Such copies shall be recorded by the city or town clerk and by the secretary of the Commonwealth in a book kept for the purpose, and for recording the same they shall each receive the fee to which registers of deeds are entitled for like services.

Copies of record of organization to be left with city or town clerk and secretary of the Commonwealth, etc.

*SECTION 3.* Section forty-seven of chapter thirty-eight of the Public Statutes is hereby amended by inserting in the second line, after the words "city clerk", the words: — and also with the secretary of the Commonwealth, — and by inserting in the fourth line, after the word "secretary", the words: — of the corporation, — and by striking out in the same line, after the word "such", the word "copy", and inserting in place thereof the word: — copies, — so as to read as follows: — *Section 47.* An attested copy of the record of the proceedings at such organization shall be left with the town or city clerk, and also with the secretary of the Commonwealth, and recorded within the time and in the manner prescribed in section twenty-nine. If the secretary of the corporation omits to leave such copies within the time specified, the organization shall be void.

P. S. 38, § 47, amended.

Attested copies of record of organization to be left with city or town clerk and secretary of the Commonwealth.

*SECTION 4.* Section three of chapter forty of the Public Statutes is hereby amended by adding at the end of said section the words: — The clerk of the association shall forthwith make, sign, swear to and file for record in the office of the secretary of the Commonwealth, a certificate setting forth the name of the corporation, its purpose, the city or town, and county where located, the date of the meeting for organization and any adjournments

P. S. 40, § 3, amended.

thereof, together with any other facts of importance contained in the proceedings of organization, otherwise the organization shall be void, — so as to read as follows: —

First meeting of law library association for organization.

*Section 3.* The clerk of the courts in any county in which no such association has been organized may, upon the application of seven attorneys at law resident therein, call a meeting for the purpose of such organization by posting up notifications thereof in some convenient place in any court-house of the county; which meeting shall be held during the term of the superior court commencing next after ten days from the time of posting up such notification. The clerk shall preside at such meeting until a clerk of the association is chosen. The clerk of the association shall forthwith make, sign, swear to and file for record in the office of the secretary of the Commonwealth, a certificate setting forth the name of the corporation, its purpose, the city or town, and county where located, the date of the meeting for organization and any adjournments thereof, together with any other facts of importance contained in the proceedings of organization, otherwise the organization shall be void.

Certificate to be filed with secretary of the Commonwealth.

P. S. 40, § 13, amended.

*SECTION 5.* Section thirteen of chapter forty of the Public Statutes is hereby amended by adding at the end of said section the words: — The president, treasurer and clerk shall forthwith make, sign, swear to and file for record in the office of the secretary of the Commonwealth, a certificate in the form required by section three of this chapter, otherwise the organization shall be void, — so as to read as follows: — *Section 13.* Upon application of five or more of such proprietors, a justice of the peace may issue his warrant to one of them, directing him to call a meeting of the proprietors at the time and place and for the purposes expressed in the warrant. The meeting shall be called by posting up the substance of the warrant in some public place in the town where the library is kept, seven days at least before the time of the meeting; at which time, if not less than seven of the proprietors meet, they may choose a president, a clerk, who shall be sworn, a librarian, a collector, a treasurer, and such other officers as they may deem necessary; and may determine upon the mode of calling future meetings. The president, treasurer and clerk shall forthwith make, sign, swear to and file for record in the office of the secretary of the Commonwealth, a certificate in the form required by sec-

First meeting of library proprietors for organization.

Certificate to be filed with secretary of the Commonwealth.

tion three of this chapter, otherwise the organization shall be void.

SECTION 6. Section two of chapter one hundred and ten of the Public Statutes is hereby amended by inserting in the third line, after the word “adopted”, the words:—*provided*, that a certificate, setting forth the name of the corporation, its purpose, the city or town, and county where located, the date of the meeting for organization and any adjournments thereof, together with any other facts of importance contained in the proceedings of organization, signed and sworn to by the president, clerk and directors of the corporation, shall be filed in the office of the secretary of the Commonwealth, otherwise the organization shall be void,—so as to read as follows:—*Section 2.* The proprietors organized in pursuance of such warrant and their successors shall be and remain a corporation by the name and style which they have adopted: *provided*, that a certificate, setting forth the name of the corporation, its purpose, the city or town, and county where located, the date of the meeting for organization and any adjournments thereof, together with any other facts of importance contained in the proceedings of organization, signed and sworn to by the president, clerk and directors of the corporation, shall be filed in the office of the secretary of the Commonwealth, otherwise the organization shall be void. Such corporations and those organized under chapter forty of the Revised Statutes and under chapter sixty-five of the General Statutes shall be subject to the provisions of this chapter.

P. S. 110, § 2,  
amended.

Proprietors of  
aqueducts, cor-  
porate name.

Proviso.

SECTION 7. Section four of chapter one hundred and eleven of the Public Statutes is hereby amended by adding at the end of said section the words:—The clerk, treasurer and collector shall forthwith make, sign, swear to and file for record in the office of the secretary of the Commonwealth, a certificate setting forth the name of the corporation, its purpose, the city or town, and county where located, the date of the meeting for organization and any adjournments thereof, together with any other facts of importance contained in the proceedings of organization, otherwise the organization shall be void,—so as to read as follows:—*Section 4.* The proprietors when assembled pursuant to such notice may, upon a vote of a majority in number and interest of the votes which all the proprietors could cast if present, proceed to organize

P. S. 111, § 4,  
amended.

Proprietors of  
wharves,  
general fields,  
and real estate  
lying in com-  
mon, organiza-  
tion.

Certificate to be filed with secretary of the Commonwealth.

themselves as a corporation under the provisions of this chapter ; and they may thereupon choose a clerk, treasurer, collector, and such committees and other officers, as they think necessary for the management of their affairs, and may agree upon and direct the manner of calling future meetings. The clerk, treasurer and collector shall forthwith make, sign, swear to and file for record in the office of the secretary of the Commonwealth, a certificate setting forth the name of the corporation, its purpose, the city or town, and county where located, the date of the meeting for organization and any adjournments thereof, together with any other facts of importance contained in the proceedings of organization, otherwise the organization shall be void.

P. S. 114, § 18, amended.

Ten or more persons may become a corporation for encouraging agriculture, etc.

Certificate to be filed with secretary of the Commonwealth.

SECTION 8. Section eighteen of chapter one hundred and fourteen of the Public Statutes is hereby amended by striking out in the eighth line, the word “and”, and inserting in place thereof the words : — and filing for record in the office of the secretary of the Commonwealth, a certificate in the form required by said section thirteen of said chapter forty. Unless said certificate is filed said organization shall be void ; but if said organization is duly perfected by the filing of said certificate said association, — so as to read as follows : — *Section 18.* Ten or more persons in any county, city, or town, who by agreement in writing associate for the purpose of encouraging agriculture or horticulture, or for improving and ornamenting the streets and public squares of any city or town by planting and cultivating ornamental trees therein, may become a corporation by such name as they assume therefor upon calling their first meeting and organizing in the manner provided in sections twelve and thirteen of chapter forty, and filing for record in the office of the secretary of the Commonwealth, a certificate in the form required by said section thirteen of said chapter forty. Unless said certificate is filed said organization shall be void ; but if said organization is duly perfected by the filing of said certificate said association shall thereupon during the pleasure of the general court have for their purposes all the rights, powers, and privileges given by sections twelve to fifteen, inclusive, of said chapter, and may hold real and personal estate not exceeding ten thousand dollars in value.

SECTION 9. This act shall take effect upon its passage.

*Approved June 10, 1897.*

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN TO CONSTRUCT A BRIDGE ACROSS THE CONNECTICUT RIVER IN THE TOWN OF NORTHFIELD. *Chap. 497*

*Be it enacted, etc., as follows :*

SECTION 1. The county commissioners of the county of Franklin are hereby authorized and required, within two years from the first day of January in the year eighteen hundred and ninety-eight, to lay out and construct at an expense not exceeding thirty-five thousand dollars, and subject to the provisions of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five, a bridge, with suitable approaches, across the Connecticut river in the town of Northfield, at or near the ferry known as Bennett's Meadow ferry, on the highway leading from Northfield to Bernardston: *provided*, that after examining the three localities hereinafter specified, said commissioners shall deem the location at or near said Bennett's Meadow ferry to be the most advantageous for the construction of said bridge, taking into consideration the probable cost of constructing and maintaining said bridge and its approaches, and the accommodation of the public, to wit:— At or near said ferry known as Bennett's Meadow ferry; at or near the ferry known as Munn's ferry on the highway leading from Northfield to Gill, and at some convenient point between said two ferries and to be selected by said commissioners. Said bridge shall be constructed of a width not less than twenty feet.

Bridge to be constructed across Connecticut River in town of Northfield.

*Proviso.*

SECTION 2. No contracts shall be made for the construction of said bridge until plans, together with detailed estimates of cost from reliable parties, who are willing and prepared to furnish bonds with satisfactory sureties for the actual performance of the work and the furnishing of the materials for the amounts specified in said estimates, have been submitted to the county commissioners and approved by them. Such approval shall not be given to any plans and estimates so submitted until said county commissioners are fully satisfied that the cost of said bridge, together with the cost of the abutments and approaches of said bridge, will not exceed the sum of thirty-five thousand dollars.

No contracts to be made until plans, etc., are approved, etc.

SECTION 3. The expense of constructing said bridge and its approaches and all other expenses incurred under

Payment of expenses, etc.

the provisions of this act, except the expense of maintaining and keeping in repair said bridge after its completion, shall be borne and paid by the said county of Franklin and by such towns in said county as may be specially benefited by said bridge, in such proportion and in such manner as shall be determined under the provisions of section four of this act; but in no case shall the county of Franklin be required to pay more than twenty per cent. of said expenses. One half of the cost of maintaining and keeping in repair said bridge shall be paid by the town of Northfield, and the remaining one half shall be paid by the other towns specially benefited by said bridge, in such proportion as the commission provided for in section four shall determine; but no part of the cost of maintaining and repairing said bridge shall be borne by the county of Franklin. The repairs required to be made upon the bridge provided for by this act shall be made under the direction of the county commissioners of the county of Franklin.

Repairs to be made under direction of county commissioners.

Commissioners to be appointed to apportion expense, etc.

SECTION 4. When such highway and bridge and approaches are completed, and as soon as their full cost is ascertained, said county commissioners shall file their report of the facts, together with the amount of such expenses, in the office of the clerk of the superior court for said county, whereupon and upon the application of said county commissioners or of any party interested, and after such notice as said court may order, said court shall appoint a board of three commissioners, who shall not be residents of said county, who shall be sworn to the faithful discharge of their duties hereunder, and who, after proper notice to and a full hearing of all the parties interested, shall award and determine what proportional part of the cost of said bridge, and of all other expenses incurred under this act, except the cost of maintaining and keeping said bridge in repair, shall be borne and paid by said county and by such towns in said county as the said commissioners shall award and determine will be specially benefited by said bridge, and they shall also award and determine how, by and to whom such proportional amounts shall be paid; but said county shall not be required to pay more than twenty per cent. of such cost and expenses. The said commission shall in like manner award and determine what proportional parts of the expense of maintaining and keeping in repair said



bridge shall be borne and paid by the towns, other than Northfield, specially benefited by said bridge, subject to the provisions of section three of this act, and shall also determine by and to whom such proportional amounts shall be paid.

SECTION 5. The determination and award of said commissioners appointed as aforesaid, or the majority of them, shall be then reported in writing to the said superior court, and upon acceptance by said court and judgment and decree thereon, shall be binding upon all parties named therein, and such proceedings may be had upon such judgment or decree to enforce and carry into effect the same as is provided by law in civil cases in said court. Compensation and expenses of said commissioners shall be paid in such manner as they shall determine, subject to the approval of said court.

Determination and award of commissioners to be reported to superior court, etc.

Compensation, etc., of commissioners.

SECTION 6. If for the purpose of laying out and constructing said bridge, with suitable approaches thereto, the county commissioners of said county of Franklin deem it necessary to take and appropriate and use the lands and property of private owners, said county commissioners are hereby authorized to enter upon, take, appropriate and use such lands and property.

County commissioners may take certain lands, etc.

SECTION 7. Said county commissioners shall estimate and determine all damages that may be sustained by any party or parties by the taking, appropriating and using of land and property as aforesaid; but any party aggrieved by such determination of said county commissioners may have his damages assessed by a jury in the same manner as is provided by law with respect to damages sustained by reason of the laying out of ways.

Damages.

SECTION 8. Said county commissioners are hereby authorized to borrow upon the credit of said county such sums as may be necessary for carrying into effect the provisions of this act.

May borrow upon credit of county.

SECTION 9. This act shall take effect upon its passage.

*Approved June 10, 1897.*

AN ACT TO ENABLE CERTAIN SMALL TOWNS TO TAKE ADVANTAGE OF THE ACT PROVIDING FOR THE PAYMENT OF A PART OF THE COMPENSATION OF SCHOOL TEACHERS FROM THE STATE SCHOOL FUND.

*Chap. 498*

*Be it enacted, etc., as follows:*

SECTION 1. Chapter four hundred and eight of the acts of the year eighteen hundred and ninety-six is hereby

1896, 408, amended.

Payment of  
salaries of  
teachers in  
small towns.

Proviso.

amended by striking out in the third line, the word "two", and inserting in place thereof the word:—three, —so as to read as follows:— With the approval of the state board of education there may be paid from the income of the school fund, to any town having a valuation of less than three hundred and fifty thousand dollars, a sum not exceeding two dollars per week for the actual time of service of each teacher, approved by the school committee of said town after special examination as to exceptional ability, employed in the public schools of said town, which sum shall be added to the salary of such teacher: *provided*, that the amount paid by the town toward the salary of such teacher shall not be less than the average salary paid by said town to teachers in the same grade of school for the three years next preceding, and that by said addition no teacher shall receive more than ten dollars per week.

SECTION 2. This act shall take effect upon its passage.

*Approved June 10, 1897.*

**Chap.499** AN ACT RELATIVE TO THE PAYMENT OF COMPENSATION FROM THE TREASURY OF THE COMMONWEALTH ON ACCOUNT OF CATTLE INFECTED WITH TUBERCULOSIS.

*Be it enacted, etc., as follows:*

Payment of  
compensation  
on account of  
cattle infected  
with tuber-  
culosis.

SECTION 1. No person having animals tested with tuberculin shall be entitled to compensation from the treasury of the Commonwealth for any animals that react to the tuberculin test, unless such testing be done by the state board of cattle commissioners or their authorized agents acting as such at the time of the test, and such testing shall be subject to the supervision and control of said state board of cattle commissioners.

SECTION 2. This act shall take effect upon its passage.

*Approved June 10, 1897.*

**Chap.500** AN ACT TO PROMOTE RAPID TRANSIT IN THE CITY OF BOSTON AND VICINITY.

*Be it enacted, etc., as follows:*

1894, 548, § 4,  
amended.

SECTION 1. Section four of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out the whole of said section and inserting in place thereof the follow-

ing:—*Section 4.* Said corporation may mortgage or pledge to any corporation organized under the laws of the Commonwealth, as security for the payment of its bonds, its franchises and any or all of its real or personal property and property thereafter acquired by it, including its interest in any elevated or surface railways, under or by virtue of any lease or operating contract.

Boston Elevated Railway Company may mortgage its franchise, etc.

SECTION 2. The first paragraph of section six of said chapter five hundred and forty-eight is hereby amended so as to read as follows:—*Section 6.* Said corporation may construct lines of elevated railway according to such plans or systems as the board of railroad commissioners may approve, to be operated by electricity or other motive power except steam, upon the following locations, and may equip, maintain and operate engines, motors and cars thereon, to wit:—

1894, 548, § 6, amended.

System of construction to be approved by railroad commissioners.

SECTION 3. Section six of said chapter five hundred and forty-eight is hereby further amended by striking out in the seventieth line of said section the words “in Brattle square in Cambridge”, and inserting in place thereof the words:—on Murray street near Charles river in Cambridge to and,—by striking out in the seventy-third and seventy-fourth lines of said section the words “to and through Western avenue or Central square”, and inserting in place thereof the words:—thence over and through private land at a point at or near the junction of Massachusetts avenue and Main street to and through Lafayette square,—and by adding at the end of said section the following:—

1894, 548, § 6, amended.

Locations.

Fourth. Commencing at a point near the corner of Washington and Castle streets; then upon and over Castle street to a point at or near its intersection with Village street; thence over and across the location, lands and tracks of the Boston and Albany Railroad Company, at a height of not less than twenty feet above said tracks, to Corning street; thence across Corning street to private lands between Porter and Kirkland streets; and thence over, upon and under said private lands by an incline, open cut and subway under Pleasant street, to the subway now constructed or in process of construction by the Boston transit commission; thence from the northerly terminus of said subway by an open cut, incline and elevated structure upon and over land acquired by the Boston transit commission, and Canal street to Causeway street; thence

**Locations.**

upon and over Causeway street to a new bridge now being built by said transit commission, under the provisions of said chapter five hundred and forty-eight; thence upon and over said new bridge to and through City square, Main street, Essex street and Rutherford avenue to Sullivan square, in that part of Boston known as Charlestown.

Fifth. Commencing at a point on Washington street at or near Fay street; thence upon and over private lands, and crossing Dover street, Shawmut avenue, Hingham, Middlesex, Emerald, Compton, Lucas, Paul and Castle streets to lands occupied by the Boston and Albany Railroad Company; thence over and across the location, lands and tracks of said company, at a height of not less than twenty feet above said tracks, to Corning street; thence across Corning street to private lands between Porter and Kirkland streets; and thence over, upon and under said private lands, by an incline, open cut and subway under Pleasant street to the subway aforesaid.

Sixth. Commencing at a point at or near the junction of Washington and Dudley streets, thence upon and over that part of Dudley street between Washington and Warren streets, and upon and over that part of Zeigler street between Washington and Warren streets; also from Dudley street, upon and over Guild Row and Roxbury street, to Washington street.

Seventh. Commencing at a point at or near the corner of Washington and Castle streets; thence upon and over private lands to Motte street or Orange lane; thence upon and over Motte street or Orange lane in part, and in part upon and over private lands, to Harrison avenue; thence upon and over Harrison avenue to Beach street; thence upon and over Beach street to Cove street; thence upon and over Cove street to Federal street, or upon and over the new street to be constructed by the city of Boston, to Atlantic avenue; thence upon and over Atlantic avenue, Commercial street and Causeway street to the said new bridge now in process of construction by said transit commission, and to Merrimac street.

Eighth. Commencing at the corner of Harrison avenue and Beach street, upon and over Harrison avenue to Essex street; and thence upon and over Essex street to Cove street.

Ninth. Commencing at or near the corner of Motte street and Harrison avenue; thence upon and over Way

street, Broadway extension and upon and over the existing bridge or a new bridge to be built across Fort Point channel to West Broadway, in that part of Boston known as South Boston.

Said corporation may also construct such loop lines in connection with the locations herein granted, upon and over such streets or ways as may be necessary or convenient to turn its trains or reverse the direction thereof.

May construct loop lines.

SECTION 4. Within the locations granted by paragraphs fourth and fifth of section three of this act no structure shall be placed upon or in the land or locations of the Boston and Albany Railroad Company, or upon or in the land authorized to be taken or acquired by the Boston and Providence Railroad Corporation under chapter five hundred and sixteen of the acts of the year eighteen hundred and ninety-six, entitled "An Act to provide for a union station for passengers on railroads entering the southerly part of the city of Boston"; and no land shall be taken or location built upon within the limits of land authorized to be taken or acquired by said last named corporation, under said chapter, without the consent of the directors of the Boston and Albany Railroad Company in any case affecting said company, and of the Old Colony Railroad Company in any case affecting said company, or of the board of railroad commissioners.

Placing of structures upon certain locations and the taking of certain land restricted, etc.

SECTION 5. Whenever said corporation shall request said Boston transit commission or the city of Boston to construct a subway in or under Cambridge street, Bowdoin square and Court street to connect with the subway now being constructed by said commission, and shall have made with said commission or city an agreement for the sole use by it of said proposed subway for the running of its trains therein and for other purposes, which shall be for a term of not less than twenty years and at the same rental and, so far as applicable, shall otherwise contain the same provisions as the lease already made with the West End Street Railway Company for the use of said subway, said commission shall forthwith construct an incline, open cut and subway beginning at a point on Cambridge street, near North Russell street, upon, through and under Cambridge street, Bowdoin square and Court street to a junction at Scollay square with the subway described in section twenty-five of said chapter five hundred and forty-eight and shall, at the cost and expense of said

Extension of subway may be constructed, etc.

corporation, to be estimated by the street commissioners of said city and paid in advance into the treasury of said city, such estimated sum to be increased or a part thereof returned, according as the actual expenses are more or less than the sum so estimated, take for the city of Boston such lands on each side of said Cambridge street as may be necessary to make a highway thirty feet wide on each side and extending not less than thirty feet nor more than one hundred feet, as said commissioners may determine, beyond the ends of said open cut, and shall construct such highway: *provided, however*, that in case the transit commissioners of the city of Boston shall determine that said subway may advantageously be extended nearer to Charles river than said North Russell street, said subway shall be so extended and may in such event be constructed under Cambridge street or substantially parallel therewith, and the city of Boston may, by its transit commissioners, take such land and buildings as may be needful for such construction, and the damages occasioned by such taking shall be ascertained and recovered in the manner provided by sections thirty-two and thirty-four of said chapter five hundred and forty-eight. Said takings shall be made, and the damages occasioned to any person by such takings shall be ascertained and recovered, in the manner provided in sections thirty-two and thirty-four of said chapter five hundred and forty-eight.

Provided.

Plans showing form and method of construction proposed to be approved, etc.

SECTION 6. Before constructing its railroad upon any route granted to it and before constructing any station in any public way or place said corporation shall prepare and file with the mayor of the city of Boston plans showing the form and method of construction proposed, for his examination and approval as to architectural appearance and obstruction to light and air, who shall approve or disapprove the same in writing, and if disapproved by him the corporation may appeal to the said board of railroad commissioners, who shall determine the question. Said corporation shall also prepare and file with said board plans showing the form and method of construction proposed, and the proposed location of the tracks, elevated structure and stations, with such detail as may be necessary to show the extent to which any street, way, avenue, bridge, public or private lands are to be encroached upon. Said board shall examine the same with reference to the strength and safety of the structure, and to the strength

and safety of any bridge traversed thereby, and with reference to the rolling stock, motive power and method of operation, and with reference to the convenience and comfort of the public, and may employ, at the expense of said corporation, a competent engineer with whom to consult in relation thereto. When said construction plans are satisfactory to said board they shall give a certificate approving the same. The corporation shall not proceed to construct its road until such certificate has been given, and if said construction plans, as filed, are not satisfactory to said board it may require them to be changed before giving said certificate of approval; and any structure erected in accordance with said plans may be modified or changed by said corporation, with the consent of said board.

SECTION 7. Wherever the routes upon which said corporation is authorized to construct and operate its elevated railroad cross the locations or tracks of any railroad company, the crossing shall be made in such manner and the method of construction shall be such as may be agreed upon between the directors of said railroad company and the directors of said corporation; and if the parties are unable to agree as to the manner of crossing or method of construction at that point, the same shall be determined by the board of railroad commissioners, upon the application of either party. And in case any railroad company sustains any damage by reason of such crossing, or in case any other person or corporation suffers any damage in property, by reason of any acts done by said corporation under the authority of this act or said chapter five hundred and forty-eight, the same shall be estimated and recovered in the manner provided in sections eight, nine and eleven of said chapter five hundred and forty-eight as amended by this act, according as said sections shall apply. Said corporation may construct that portion of its elevated railroad over that part of the seventh location described in section three of this act between Albany street and Merrimac street in the city of Boston of such strength and character that it will be suitable for the hauling of railroad cars thereon; and said corporation is hereby authorized to haul railroad cars of other corporations thereon; and the restriction contained in section one of said chapter five hundred and forty-eight, as to the transportation of freight and baggage, shall not apply to transportation thereon.

Crossing of locations or tracks of railroad companies.

May haul railroad cars of other corporations on portion of its railroad, etc.

May remove  
certain structures,  
etc.

Proviso.

P. S. 49 to  
apply to certain  
proceedings.

May establish  
and take a toll  
or fare, etc.

Proviso.

SECTION 8. If, in the construction of its said railroad and appurtenances, it becomes necessary for said corporation to remove any poles, wires or other structures, in, upon or over any public streets or ways, or to interfere with any pipes or structures underneath the surface of the ground in such streets or ways, it shall have the right to remove the same: *provided, however*, that it shall at its own expense provide for such structures, either above or below ground, in such manner as the superintendent or other officer having charge of the streets may approve. Said corporation may construct inclines at such points as it may deem expedient, for the purpose of making connections with surface railways or railroads.

SECTION 9. The provisions of chapter forty-nine of the Public Statutes, relative to cases where damages are claimed to estates in which two or more persons have different, separate or several interests, shall apply to all proceedings under sections eight, nine and eleven of said chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four in which damages caused by the acts of said corporation are claimed for such estates.

SECTION 10. Said corporation may establish, and take a toll or fare, which shall not exceed the sum of five cents for a single continuous passage in the same general direction upon the roads owned, leased or operated by it; and this sum shall not be reduced by the legislature during the period of twenty-five years, from and after the passage of this act: *provided, however*, that the board of railroad commissioners may upon the petition of the board of aldermen of a city, selectmen of a town, or fifty legal voters of a city or town, in which any of the lines owned, leased or operated by said corporation are located, after due notice and hearing the parties interested, reduce such toll or fare; but such toll or fare shall not, without the consent of said corporation, be so reduced as to yield, with all other earnings and income of said corporation, except the income of the funds deposited with the treasurer of the Commonwealth as required by this act and said chapter five hundred and forty-eight, a net divisible income, after paying all expenses of operation, interest, taxes, rentals, and other lawful charges, and after charging off a reasonable amount for depreciation, of less than eight per cent. per annum on the outstanding capital stock



of said corporation actually paid in in cash. The report of the board shall be final and conclusive for one year. During said period of twenty-five years no taxes or excises not at present in fact imposed upon street railways shall be imposed in respect of the lines owned, leased or operated by said corporation, other than such as may have been in fact imposed upon the lines hereafter leased or operated by it at the date of such operating contract or of such lease or agreement hereafter made therefor nor any other burden, duty or obligation which is not at the same time imposed by general law on all street railway companies: *provided*, *however*, that said corporation shall be annually assessed and shall pay taxes now or hereafter imposed by general law in the same manner as though it were a street railway company, and shall, in addition, as compensation for the privileges herein granted, and for the use and occupation of the public streets, squares and places, by the lines of elevated and surface railroad owned, leased and operated by it, pay to the Commonwealth, on or before the last day of November in each year, during said period of twenty-five years, an annual sum, the amount of which shall, in each year ending the last day of September, be determined by the amount of the annual dividend paid in that year by said corporation, in the following manner: — If the annual dividend paid is six per cent. or less, or if no dividend is paid, the sum payable that year shall be a sum equal to seven eighths of one per cent. of the gross earnings of all the lines of elevated or surface railroads owned, leased or operated by said corporation; if said dividend exceeds six per cent. then a sum equal to the excess of the dividends over six per cent. in addition to said seven eighths of one per cent. of said gross earnings. The above sum shall be paid into the treasury of the Commonwealth and distributed among the different cities and towns in proportion to the mileage of elevated and surface main track, reckoned as single track, which is owned, leased or operated by said corporation and located therein. Said corporation shall also provide free transfer from elevated to surface and from surface to elevated cars at all stations of the elevated lines reached by surface lines and from one elevated car or train to another at junction points entitling a passenger to a continuous ride in the same general direction, and such further free transfers on all the surface lines of railway owned, leased or operated by

Certain burdens, obligations, etc., not to be imposed, etc.

Proviso.

Free transfers to be provided, etc.

it, as may be satisfactory to or required by the board of railroad commissioners.

1894, 548, § 17,  
amended.

May lease and  
operate other  
lines of rail-  
way, etc.

SECTION 11. Section seventeen of said chapter five hundred and forty-eight is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 17.* Said corporation is hereby authorized, at any time after the passage of this act, to lease and operate the lines, property, rights, locations and franchises of the West End Street Railway Company, and of any other street railways or elevated railroads whose lines may be or become, in whole or in part, tributary to or connecting with its lines, and enjoy all the rights and privileges thereto appertaining and belonging, subject to the duties, liabilities and restrictions thereto appertaining; and said West End Street Railway Company, and such railways or railroads, are hereby authorized to make such leases or operating contracts, upon the consent in each case of a majority in interest of their stockholders, given at a meeting called for that purpose: *provided, however*, that no such lease or operating contract of the West End Street Railway Company shall be valid until the terms thereof, so far as they relate to the rental or compensation to be paid, and to the due and safe transportation of the public, have been approved by the board of railroad commissioners; and *provided, further*, that any lease of any other street railway or elevated railroad company shall be subject to the provisions of all general laws relating to the leasing of street railways.

Provisos.

Not to con-  
struct, etc., its  
railroad in the  
subway now  
leased to the  
West End  
Street Railway  
Company with-  
out consent of  
said company.

SECTION 12. Said corporation shall not construct, maintain and operate its railroad in the subway now constructed or in process of construction and now leased to the West End Street Railway Company, unless said street railway company shall, under the provisions of said lease, assign to said corporation its rights, powers and privileges thereunder, or otherwise consent to such construction, maintenance or operation; and in such event said corporation may construct and, during the term of the existing and any future contract for the use of the subway, may operate its railroad in said subway. In such event, upon the request of said corporation and upon its agreement that the cost thereof shall be considered as part of the cost of the subway under the existing contract with said West End Street Railway Company for the use of the same, the Boston transit commission shall make such

Alterations to  
be made in  
subway, etc.

alterations in the subway, and the approaches thereto, as may be necessary to render the same suitable for the running of cars and trains of cars through the same, in connection with the elevated structure, upon the routes hereinbefore granted, and said commission shall discontinue so much of Travers street as may be necessary to provide a gradual incline from the northerly portion of the subway to the elevated structure on Causeway street. Said transit commission shall also construct the new bridge across the Charles river, now in process of construction by them, of such strength as to safely support said elevated railroad thereon, and shall so design the same that the elevated structure may be placed thereon; but any alteration in the plan and structure of said bridge hereafter made by said commission in order to secure such additional strength shall be paid for by said corporation.

Construction of new bridge across Charles river.

SECTION 13. Said corporation shall, within three months from the passage of this act, deposit with the treasurer of the Commonwealth the sum of three hundred thousand dollars in cash or securities satisfactory to said treasurer, and the same, or any portion thereof remaining after the payment of all executions under the provisions of section thirteen of said chapter five hundred and forty-eight, shall be forfeited to the Commonwealth if said corporation shall negligently fail to perform either of the requirements hereinafter in this section set forth, namely:

Deposit to be made with treasurer of the Commonwealth, etc.

— Within sixty days from the making of such deposit the corporation shall apply to the board of aldermen of the city of Boston for a route of not less than four or more than seven miles of double track in said city, exclusive of subways, over locations hereinbefore granted. If the route so applied for is not approved by the mayor and aldermen within sixty days of the application therefor, the corporation shall within thirty days from the expiration of said sixty days apply to the board of railroad commissioners for such approval, who shall have authority to approve the same, and upon any refusal or failure for sixty days of any board of aldermen or selectmen to approve any route lawfully applied for by said corporation, the corporation may apply therefor to said board, which may approve the same. The corporation shall construct its railroad over said route first applied for as aforesaid within three years after it is authorized to begin the construction thereof. In case of its failure so to do any lease from the

To apply for route within sixty days from making deposit, etc.

Time for construction limited.

West End Street Railway Company to said corporation shall thereupon cease and determine. If such construction is delayed by litigation or unforeseen casualty, so that the same cannot be completed within said period of three years, the corporation may apply to the supreme judicial court for relief from such forfeiture or determination of said lease, and the court, upon notice to the attorney-general, the city of Boston, and the West End Street Railway Company, and upon hearing and proof that said litigation was not collusive or that such casualty was without the fault of said corporation, may grant relief against such forfeiture or determination of the lease, and may fix the time within which such construction shall be completed.

To apply for a further route, etc.

SECTION 14. Said corporation shall also, within one year after it is authorized to begin the construction of its railroad over the route first applied for as provided in section thirteen of this act, apply for a further route of such length that the same, with said route first applied for, shall amount to not less than seven miles of double track, exclusive of subways, over locations hereinbefore granted. If said route is not approved by the mayor and aldermen of the city wherein said location is applied for within sixty days of the application therefor, the corporation shall, within thirty days from the expiration of said sixty days, apply to the board of railroad commissioners for such approval, who shall have authority to approve the same. Said corporation shall construct its railroad over said route within three years after it is authorized to begin the construction thereof.

Time for construction limited.

To join with city of Boston and city of Cambridge in a petition for a bridge across the Charles river, etc.

SECTION 15. Said corporation shall join with the city of Boston and the city of Cambridge in a petition to the legislature for the year eighteen hundred and ninety-eight or the year eighteen hundred and ninety-nine, as said cities may elect, for an act authorizing the construction and maintenance of a bridge across the Charles river, at or near the present site of the West Boston bridge, suitable for the use of the elevated and surface cars of said corporation, and also for all the purposes of ordinary travel between said cities; and said corporation shall pay towards the construction of said bridge such portion thereof as shall be rendered necessary by reason of its being of additional size and strength for the use of the elevated railroad of said corporation, and shall also itself construct or shall pay for constructing its railway, both

elevated and surface, across said bridge, and the balance of such cost beyond that paid by said corporation shall be paid one half by the city of Boston and one half by the city of Cambridge. Said corporation shall also, within the period of six months from the time such bridge is finished, apply for a route beginning at any of its lines of elevated track in Boston to said new bridge, across the same, to Brattle square in Cambridge, over the locations hereinbefore granted. If said route is not approved by the mayor and aldermen of Boston and Cambridge, within sixty days of the application therefor, the said corporation shall, within thirty days from the expiration of said sixty days, apply to the board of railroad commissioners for such approval, who shall have authority to approve the same. Said corporation shall construct its railroad over said route within two years after it is authorized to begin the construction thereof. The city of Cambridge may petition the supreme judicial court sitting in equity, to enforce compliance with the provisions of this section, and if it be found, on the petition of said city, that said corporation has failed to comply with said provisions, the said supreme judicial court may pass such order or decree as it may deem proper in the premises.

To apply for route within six months from the time bridge is finished, etc.

Time for construction limited, etc.

SECTION 16. Section twenty of said chapter five hundred and forty-eight is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 20.* The supreme judicial and superior courts shall have jurisdiction in equity, on petition of any party in interest, or any city or town in which said corporation is required to build a railroad under this act, to compel compliance with the provisions of this act, and to enforce any order made under the authority thereof, and to prevent violation of any of the provisions thereof, and if it shall be found on complaint of any city or town in which said corporation has built or is proceeding to build a railroad under this act, or of any party in interest, that said corporation has negligently failed to comply with the provisions of this act, the court may pass such order or decree as it may deem proper in the premises: *provided, however,* that no petition in equity shall be filed for damages for which an action is given by this act until payment thereof has been refused on execution issued as provided in section twelve.

1864, 548, § 20, amended.

Enforcement, etc., of provisions.

Proviso.

SECTION 17. Whenever said corporation is authorized to begin the construction of its railroad over the route

Tunnel to be constructed to East Boston.

Tunnel to be  
constructed to  
East Boston.

first applied for, as provided in section thirteen of this act the Boston transit commission shall construct a tunnel or tunnels, of sufficient size for two railway tracks, with approaches, entrances, sidings, stations and connections therefor, and for the running of railway cars therein, from a point on or near Hanover street in the city of Boston, or such other point or points as said board may deem proper for a suitable connection with the subway or subways provided for in section twenty-five of said chapter five hundred and forty-eight, to a point at or near Maverick square in that part of Boston called East Boston, where a suitable connection with surface tracks may be made. Said tunnel or tunnels shall be constructed in a thorough and substantial manner, with special reference to strength, durability and safety for railway travel, and shall be water tight, or in case of leakage the water shall be taken care of by said city. Upon completion thereof said commission shall execute a lease thereof in writing to said corporation for a term expiring twenty-five years from the date of the passage of this act, at an annual rental equal to three eighths of one per cent. of the gross receipts for each year ending September thirtieth, of all lines owned, leased or operated by said corporation, to be paid to said city on or before the last day of November in each year, with the privilege to the lessee to sublet the same, such lease to contain such other terms and provisions as may be agreed on by said commission and said corporation, or in case of disagreement, as shall be determined by the board of railroad commissioners. Said rental shall be in full compensation for the exclusive use of said tunnel by said corporation, its sub-lessees, successors or assigns. Said city shall collect from each person passing through said tunnel in either direction a toll of one cent: *provided, however*, that if in any year ending on the thirtieth day of September the receipts from such tolls, together with the rental above-provided for, amount to a sum so in excess of the interest and sinking fund requirements of said bonds for that year that the board of railroad commissioners is of opinion that the toll may be reduced, said board shall on petition of ten citizens of said city establish such reduced toll for the period of one year from the first day of January next ensuing, as will in its opinion yield an amount sufficient to meet, with said rental, said interest and sinking fund

To be leased to  
the corporation  
at an annual  
rental, etc.

City to collect  
a certain toll.

Proviso.

requirements for that year ; or said board may altogether discontinue such toll when it is of opinion that such rental alone is sufficient to meet said requirements ; but any such reduction shall be carried into effect by a provision for the sale of tickets, and the cash fare shall continue to be one cent. The whole amount of such tolls and of said rentals is hereby pledged to meet the principal and interest of the bonds issued to pay for the construction of said tunnel or tunnels, and this pledge shall be expressed on the face of such bonds as one of the terms thereof ; *provided, however*, that after such tolls have been discontinued if said rentals shall for any year ending on the thirtieth day of September yield an amount more than sufficient to meet the interest and sinking fund requirements of said bonds for such year such excess over said requirements shall be regarded as general revenue of said city. In case in any year the rentals and tolls above-provided for shall not yield a sufficient amount to meet said interest and sinking fund requirements the compensation received by said city under section ten of this act shall be applied so far as may be necessary toward meeting such requirements. Said corporation shall be the agent of said city to collect such tolls under such arrangements as shall be agreed upon by said city and said corporation, or in case of disagreement, as shall be determined by the board of railroad commissioners.

Amount of tolls and rentals pledged to payment of bonds, etc.

Proviso.

Corporation to be agent of city to collect tolls.

SECTION 18. The treasurer of said city shall from time to time, on the request of said transit commission, issue and sell at public or private sale, bonds of said city to the amount required to pay the cost and expenses of constructing the incline, open cut and subway under Cambridge street, Bowdoin square and Court street provided for in section five of this act, and the stations, steps and other structures in connection therewith, and of any alterations in subways which may be required under the lease of the subway made by said commission with said West End Street Railway Company, and shall further issue bonds for the purposes hereinafter specified to the amount of five hundred thousand dollars ; all of said bonds shall be designated on their face, Rapid Transit Loan, shall be for the term of forty years, and be registered or have coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually, as said treasurer shall determine, and shall not be included

Rapid Transit Loan.

in determining the limit of indebtedness of said city ; said treasurer shall apply the proceeds of said five hundred thousand dollars in bonds, and the proceeds of the seven millions of dollars in bonds authorized to be issued by said chapter five hundred and forty-eight, to the payment of the costs and expenses of constructing the subways authorized by section twenty-five of said chapter five hundred and forty-eight, and of the tunnel or tunnels to East Boston provided for in the preceding section, and the stations, inclines and steps in connection therewith, but a separate account shall be kept of the bonds issued for, and expenses incurred in connection with, the construction of said tunnel or tunnels.

Revocation of  
locations, etc.

Proviso.

SECTION 19. The locations of or right to maintain any elevated lines or structures of the Boston Elevated Railway Company shall not be subject to revocation except in the manner and on the terms prescribed in sections seven and eight of chapter one hundred and twelve of the Public Statutes: *provided, however*, that any location upon which said corporation has not constructed its railroad within ten years from the passage of this act shall be subject to revocation by the legislature; but no location upon which said corporation has begun the construction of its railroad within said period shall be subject to revocation if the same be completed within three years thereafter.

1894, 548, § 10,  
amended.

May locate  
stations at con-  
venient points,  
etc.

SECTION 20. Section ten of said chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four is hereby amended so as to read as follows: — *Section 10.* Said corporation may locate stations at convenient point, with suitable exits and approaches to and from the streets and stations, but the same, excepting platforms and approaches thereto from buildings, shall not be located in any public way or place, unless approved by the mayor and aldermen or selectmen.

To have certain  
powers, privi-  
leges, etc.

SECTION 21. Except as otherwise expressly provided in said chapter five hundred and forty-eight and by this act, said corporation shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in general laws now or hereafter in force relating to street railway companies, so far as the same may be applicable, but the provisions of chapter one hundred and thirteen of the Public Statutes or other general laws relating to the alteration or revocation of



locations of street railway companies, shall not be deemed applicable to the locations or routes for elevated railroads granted to said corporation. So much of section one of said chapter five hundred and forty-eight as provides that said corporation shall be subject to the general laws relating to railroad corporations is hereby repealed.

SECTION 22. Sections sixteen, nineteen and twenty-one of said chapter five hundred and forty-eight are hereby repealed. Repeal.

SECTION 23. This act shall take effect upon its passage.

*Approved June 10, 1897.*

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AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION Chap. 501  
SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS.

*Be it enacted, etc., as follows:*

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:— State tax apportioned and assessed.

Abington, seventeen hundred and fifty dollars.  
 Acton, ten hundred and fifty dollars.  
 Acushnet, four hundred thirty-seven dollars and fifty cents.  
 Adams, twenty-six hundred and ninety-five dollars.  
 Agawam, nine hundred and forty-five dollars.  
 Alford, one hundred fifty-seven dollars and fifty cents.  
 Amesbury, thirty-six hundred fifty-seven dollars and fifty cents.  
 Amherst, twenty-two hundred twenty-two dollars and fifty cents.  
 Andover, thirty-four hundred and thirty dollars.  
 Arlington, fifty-six hundred and thirty-five dollars.  
 Ashburnham, seven hundred fifty-two dollars and fifty cents.  
 Ashby, three hundred sixty-seven dollars and fifty cents.  
 Ashfield, three hundred sixty-seven dollars and fifty cents.  
 Ashland, eight hundred fifty-seven dollars and fifty cents.  
 Athol, twenty-six hundred forty-two dollars and fifty cents.  
 Attleborough, thirty-two hundred and twenty dollars.  
 Auburn, four hundred two dollars and fifty cents.  
 Avon, five hundred forty-two dollars and fifty cents.  
 Ayer, nine hundred sixty-two dollars and fifty cents.  
 Barnstable, twenty-six hundred and ninety-five dollars.  
 Barre, ten hundred thirty-two dollars and fifty cents.  
 Becket, three hundred thirty-two dollars and fifty cents.  
 Bedford, six hundred eighty-two dollars and fifty cents.  
 Belchertown, six hundred and thirty dollars.  
 Bellingham, four hundred and ninety dollars.  
 Belmont, twenty-six hundred forty-two dollars and fifty cents.

State tax ap-  
portioned and  
assessed.

Berkley, three hundred and fifteen dollars.  
 Berlin, three hundred and fifty dollars.  
 Bernardston, two hundred ninety-seven dollars and fifty cents.  
 Beverly, ten thousand one hundred thirty-two dollars and fifty cents.  
 Billerica, thirteen hundred eighty-two dollars and fifty cents.  
 Blackstone, eighteen hundred and ninety dollars.  
 Blandford, three hundred and fifteen dollars.  
 Bolton, three hundred thirty-two dollars and fifty cents.  
 Boston, six hundred twenty-eight thousand seven hundred and forty dollars.  
 Bourne, eleven hundred seventy-two dollars and fifty cents.  
 Boxborough, one hundred fifty-seven dollars and fifty cents.  
 Boxford, four hundred thirty-seven dollars and fifty cents.  
 Boylston, three hundred and fifty dollars.  
 Bradford, nineteen hundred and twenty-five dollars.  
 Braintree, thirty-one hundred and fifteen dollars.  
 Brewster, four hundred thirty-seven dollars and fifty cents.  
 Bridgewater, seventeen hundred sixty-seven dollars and fifty cents.  
 Brimfield, two hundred ninety-seven dollars and fifty cents.  
 Brockton, fifteen thousand and eighty-five dollars.  
 Brookfield, ten hundred and fifty dollars.  
 Brookline, forty-one thousand six hundred thirty-two dollars and fifty cents.  
 Buckland, four hundred and twenty dollars.  
 Burlington, three hundred and fifty dollars.  
 Cambridge, fifty-four thousand six hundred dollars.  
 Canton, three thousand twenty-seven dollars and fifty cents.  
 Carlisle, two hundred and forty-five dollars.  
 Carver, five hundred seventy-seven dollars and fifty cents.  
 Charlemont, two hundred and eighty dollars.  
 Charlton, six hundred eighty-two dollars and fifty cents.  
 Chatham, six hundred and sixty-five dollars.  
 Chelmsford, fourteen hundred fifty-two dollars and fifty cents.  
 Chelsea, fifteen thousand eight hundred two dollars and fifty cents.  
 Cheshire, five hundred and twenty-five dollars.  
 Chester, four hundred and fifty-five dollars.  
 Chesterfield, two hundred and ten dollars.  
 Chicopee, fifty-eight hundred and ten dollars.  
 Chilmark, one hundred fifty-seven dollars and fifty cents.  
 Clarksburg, one hundred and seventy-five dollars.  
 Clinton, forty-eight hundred and sixty-five dollars.  
 Cohasset, thirty-three hundred and sixty dollars.  
 Colrain, four hundred and twenty dollars.  
 Concord, twenty-nine hundred and forty dollars.  
 Conway, five hundred seven dollars and fifty cents.  
 Cottage City, nine hundred and eighty dollars.  
 Cummington, two hundred twenty-seven dollars and fifty cents.  
 Dalton, two thousand forty-seven dollars and fifty cents.

State tax ap-  
portioned and  
assessed.

Dana, two hundred and ten dollars.  
Danvers, thirty-one hundred and fifty dollars.  
Dartmouth, eighteen hundred and ninety dollars.  
Dedham, forty-six hundred two dollars and fifty cents.  
Deerfield, eleven hundred and fifty-five dollars.  
Dennis, eleven hundred seventy-two dollars and fifty cents.  
Dighton, five hundred and ninety-five dollars.  
Douglas, seven hundred and thirty-five dollars.  
Dover, six hundred eighty-two dollars and fifty cents.  
Dracut, eleven hundred seventy-two dollars and fifty cents.  
Dudley, seven hundred eighty-seven dollars and fifty cents.  
Dunstable, two hundred and ten dollars.  
Duxbury, eleven hundred two dollars and fifty cents.  
East Bridgewater, eleven hundred and fifty-five dollars.  
East Longmeadow, four hundred and ninety dollars.  
Eastham, two hundred and ten dollars.  
Easthampton, seventeen hundred and fifty dollars.  
Easton, thirty-five hundred fifty-two dollars and fifty cents.  
Edgartown, five hundred and twenty-five dollars.  
Egremont, three hundred thirty-two dollars and fifty cents.  
Enfield, five hundred and sixty dollars.  
Erving, two hundred and eighty dollars.  
Essex, seven hundred dollars.  
Everett, eighty-six hundred and ten dollars.  
Fairhaven, thirteen hundred eighty-two dollars and fifty cents.  
Fall River, forty-three thousand five hundred and forty dollars.  
Falmouth, forty-two hundred eighty-seven dollars and fifty cents.  
Fitchburg, thirteen thousand eight hundred and sixty dollars.  
Florida, one hundred twenty-two dollars and fifty cents.  
Foxborough, eleven hundred and ninety dollars.  
Frammingham, sixty-five hundred twenty-seven dollars and fifty cents.  
Franklin, twenty-one hundred dollars.  
Freetown, six hundred and thirty dollars.  
Gardner, thirty-five hundred fifty-two dollars and fifty cents.  
Gay Head, seventeen dollars and fifty cents.  
Georgetown, seven hundred fifty-two dollars and fifty cents.  
Gill, three hundred thirty-two dollars and fifty cents.  
Gloucester, eleven thousand three hundred and seventy-five dollars.  
Goshen, one hundred and five dollars.  
Gosnold, one hundred and forty dollars.  
Grafton, seventeen hundred thirty-two dollars and fifty cents.  
Granby, three hundred thirty-two dollars and fifty cents.  
Granville, two hundred sixty-two dollars and fifty cents.  
Great Barrington, twenty-five hundred seventy-two dollars and fifty cents.  
Greenfield, thirty-seven hundred twenty-seven dollars and fifty cents.  
Greenwich, one hundred ninety-two dollars and fifty cents.

State tax ap-  
portioned and  
assessed.

Groton, two thousand forty-seven dollars and fifty cents.  
Groveland, seven hundred dollars.  
Hadley, seven hundred and thirty-five dollars.  
Halifax, one hundred ninety-two dollars and fifty cents.  
Hamilton, seven hundred fifty-two dollars and fifty cents.  
Hampden, two hundred and eighty dollars.  
Hancock, two hundred and forty-five dollars.  
Hanover, ten hundred and fifteen dollars.  
Hanson, four hundred and fifty-five dollars.  
Hardwick, ten hundred and eighty-five dollars.  
Harvard, seven hundred seventeen dollars and fifty cents.  
Harwich, eight hundred and seventy-five dollars.  
Hatfield, seven hundred and thirty-five dollars.  
Haverhill, fourteen thousand seven hundred and thirty-five dollars.  
Hawley, one hundred twenty-two dollars and fifty cents.  
Heath, one hundred and forty dollars.  
Hingham, thirty-one hundred sixty-seven dollars and fifty cents.  
Hinsdale, five hundred forty-two dollars and fifty cents.  
Holbrook, nine hundred and forty-five dollars.  
Holden, eight hundred and forty dollars.  
Holland, seventy dollars.  
Holliston, twelve hundred seven dollars and fifty cents.  
Holyoke, nineteen thousand and forty dollars.  
Hopedale, eighteen hundred and twenty dollars.  
Hopkinton, fourteen hundred and seventy dollars.  
Hubbardston, four hundred and ninety dollars.  
Hudson, two thousand eighty-two dollars and fifty cents.  
Hull, eighteen hundred and twenty dollars.  
Huntington, three hundred and eighty-five dollars.  
Hyde Park, fifty-nine hundred thirty-two dollars and fifty cents.  
Ipswich, two thousand and sixty-five dollars.  
Kingston, eleven hundred seventy-two dollars and fifty cents.  
Lakeville, four hundred two dollars and fifty cents.  
Lancaster, two thousand eighty-two dollars and fifty cents.  
Lanesborough, three hundred sixty-seven dollars and fifty cents.  
Lawrence, twenty-three thousand two hundred and forty dollars.  
Lee, twelve hundred and ninety-five dollars.  
Leicester, sixteen hundred and forty-five dollars.  
Lenox, two thousand eighty-two dollars and fifty cents.  
Leominster, thirty-nine hundred and ninety dollars.  
Leverett, two hundred and ten dollars.  
Lexington, twenty-eight hundred fifty-two dollars and fifty cents.  
Leyden, one hundred twenty-two dollars and fifty cents.  
Lincoln, sixteen hundred and ten dollars.  
Littleton, six hundred twelve dollars and fifty cents.  
Longmeadow, four hundred thirty-seven dollars and fifty cents.  
Lowell, forty-nine thousand dollars.  
Ludlow, seven hundred fifty-two dollars and fifty cents.

Lunenburg, five hundred and sixty dollars.  
 Lynn, thirty-four thousand six hundred sixty-seven dollars and fifty cents.  
 Lynnfield, four hundred and twenty dollars.  
 Malden, seventeen thousand three hundred seven dollars and fifty cents.  
 Manchester, forty-nine hundred and seventy dollars.  
 Mansfield, twelve hundred seventy-seven dollars and fifty cents.  
 Marblehead, four thousand forty-two dollars and fifty cents.  
 Marion, five hundred seventy-seven dollars and fifty cents.  
 Marlborough, fifty-seven hundred ninety-two dollars and fifty cents.  
 Marshfield, nine hundred and forty-five dollars.  
 Mashpee, one hundred twenty-two dollars and fifty cents.  
 Mattapoisett, ten hundred and fifty dollars.  
 Maynard, fourteen hundred and seventy dollars.  
 Medfield, nine hundred ninety-seven dollars and fifty cents.  
 Medford, ten thousand nine hundred two dollars and fifty cents.  
 Medway, nine hundred twenty-seven dollars and fifty cents.  
 Melrose, sixty-eight hundred seventy-seven dollars and fifty cents.  
 Mendon, three hundred and eighty-five dollars.  
 Merrimac, nine hundred and forty-five dollars.  
 Methuen, twenty-four hundred sixty-seven dollars and fifty cents.  
 Middleborough, twenty-nine hundred and seventy-five dollars.  
 Middlefield, one hundred and seventy-five dollars.  
 Middleton, three hundred sixty-seven dollars and fifty cents.  
 Milford, thirty-eight hundred sixty-seven dollars and fifty cents.  
 Millbury, sixteen hundred and eighty dollars.  
 Millis, five hundred and ninety-five dollars.  
 Milton, thirteen thousand seven hundred thirty-seven dollars and fifty cents.  
 Monroe, one hundred and five dollars.  
 Monson, fourteen hundred dollars.  
 Montague, twenty-five hundred and fifty-five dollars.  
 Monterey, one hundred and seventy-five dollars.  
 Montgomery, one hundred and five dollars.  
 Mount Washington, fifty-two dollars and fifty cents.  
 Nahant, four thousand forty-two dollars and fifty cents.  
 Nantucket, twenty-one hundred seventeen dollars and fifty cents.  
 Natick, thirty-nine hundred and ninety dollars.  
 Needham, nineteen hundred seventy-seven dollars and fifty cents.  
 New Ashford, fifty-two dollars and fifty cents.  
 New Bedford, thirty-six thousand sixty-seven dollars and fifty cents.  
 New Braintree, two hundred ninety-seven dollars and fifty cents.  
 New Marlborough, four hundred two dollars and fifty cents.

State tax ap-  
 portioned and  
 assessed.

State tax ap-  
portioned and  
assessed.

New Salem, two hundred twenty-seven dollars and fifty cents.  
 Newbury, seven hundred fifty-two dollars and fifty cents.  
 Newburyport, seventy-eight hundred fifty-seven dollars and fifty cents.  
 Newton, thirty-two thousand seventy-seven dollars and fifty cents.  
 Norfolk, three hundred sixty-seven dollars and fifty cents.  
 North Adams, fifty-four hundred seventy-seven dollars and fifty cents.  
 North Andover, twenty-three hundred sixty-two dollars and fifty cents.  
 North Attleborough, twenty-eight hundred dollars.  
 North Brookfield, fourteen hundred dollars.  
 North Reading, three hundred sixty-seven dollars and fifty cents.  
 Northampton, seventy-three hundred and fifteen dollars.  
 Northborough, eight hundred ninety-two dollars and fifty cents.  
 Northbridge, twenty-five hundred thirty-seven dollars and fifty cents.  
 Northfield, six hundred eighty-two dollars and fifty cents.  
 Norton, five hundred seventy-seven dollars and fifty cents.  
 Norwell, seven hundred and seventy dollars.  
 Norwood, twenty-one hundred fifty-two dollars and fifty cents.  
 Oakham, two hundred and forty-five dollars.  
 Orange, twenty-eight hundred seventeen dollars and fifty cents.  
 Orleans, four hundred and ninety dollars.  
 Otis, one hundred fifty-seven dollars and fifty cents.  
 Oxford, nine hundred twenty-seven dollars and fifty cents.  
 Palmer, two thousand and thirty dollars.  
 Paxton, one hundred ninety-two dollars and fifty cents.  
 Peabody, fifty-four hundred seventy-seven dollars and fifty cents.  
 Pelham, one hundred twenty-two dollars and fifty cents.  
 Pembroke, four hundred seventy-two dollars and fifty cents.  
 Pepperell, fourteen hundred and thirty-five dollars.  
 Peru, eighty-seven dollars and fifty cents.  
 Petersham, four hundred and fifty-five dollars.  
 Phillipston, two hundred and ten dollars.  
 Pittsfield, ninety-four hundred and fifteen dollars.  
 Plainfield, one hundred twenty-two dollars and fifty cents.  
 Plymouth, forty-six hundred and twenty dollars.  
 Plympton, two hundred twenty-seven dollars and fifty cents.  
 Prescott, one hundred twenty-two dollars and fifty cents.  
 Princeton, five hundred seventy-seven dollars and fifty cents.  
 Provincetown, fifteen hundred ninety-two dollars and fifty cents.  
 Quincy, eleven thousand seven hundred seventy-seven dollars and fifty cents.  
 Randolph, sixteen hundred and forty-five dollars.  
 Raynham, six hundred and thirty dollars.  
 Reading, twenty-four hundred and fifty dollars.

State tax ap-  
portioned and  
assessed.

Rehoboth, five hundred and twenty-five dollars.  
 Revere, forty-five hundred and eighty-five dollars.  
 Richmond, two hundred and forty-five dollars.  
 Rochester, three hundred and eighty-five dollars.  
 Rockland, twenty-one hundred and seventy dollars.  
 Rockport, eighteen hundred and forty-five dollars.  
 Rowe, one hundred and seventy-five dollars.  
 Rowley, four hundred and ninety dollars.  
 Royalston, four hundred thirty-seven dollars and fifty cents.  
 Russell, three hundred and fifty dollars.  
 Rutland, three hundred sixty-seven dollars and fifty cents.  
 Salem, twenty thousand four hundred and seventy-five dollars.  
 Salisbury, four hundred and sixty-five dollars.  
 Sandisfield, two hundred and forty-five dollars.  
 Sandwich, six hundred eighty-two dollars and fifty cents.  
 Saugus, two thousand and sixty-five dollars.  
 Savoy, one hundred twenty-two dollars and fifty cents.  
 Scituate, fourteen hundred and thirty-five dollars.  
 Seekonk, six hundred twelve dollars and fifty cents.  
 Sharon, eleven hundred thirty-seven dollars and fifty cents.  
 Sheffield, six hundred and thirty dollars.  
 Shelburne, six hundred forty-seven dollars and fifty cents.  
 Sherborn, five hundred seventy-seven dollars and fifty cents.  
 Shirley, five hundred and twenty-five dollars.  
 Shrewsbury, seven hundred dollars.  
 Shutesbury, one hundred twenty-two dollars and fifty cents.  
 Somerset, seven hundred fifty-two dollars and fifty cents.  
 Somerville, thirty thousand two hundred and five dollars.  
 South Hadley, sixteen hundred and forty-five dollars.  
 Southampton, three hundred and fifty dollars.  
 Southborough, eleven hundred thirty-seven dollars and fifty cents.  
 Southbridge, twenty-eight hundred fifty-two dollars and fifty cents.  
 Southwick, three hundred and eighty-five dollars.  
 Spencer, twenty-nine hundred twenty-two dollars and fifty cents.  
 Springfield, forty-one thousand seventy-two dollars and fifty cents.  
 Sterling, six hundred twelve dollars and fifty cents.  
 Stockbridge, twenty-one hundred and seventy dollars.  
 Stoneham, twenty-eight hundred and thirty-five dollars.  
 Stoughton, twenty-one hundred seventeen dollars and fifty cents.  
 Stow, four hundred and fifty-five dollars.  
 Sturbridge, six hundred eighty-two dollars and fifty cents.  
 Sudbury, eight hundred twenty-two dollars and fifty cents.  
 Sunderland, two hundred ninety-seven dollars and fifty cents.  
 Sutton, nine hundred and forty-five dollars.  
 Swampscott, thirty-nine hundred and fifty-five dollars.  
 Swanzev, six hundred twelve dollars and fifty cents.

State tax ap-  
portioned and  
assessed.

Taunton, thirteen thousand nine hundred and sixty-five dol-  
lars.  
Templeton, nine hundred and eighty dollars.  
Tewksbury, ten hundred and fifty dollars.  
Tisbury, five hundred seventy-seven dollars and fifty cents.  
Tolland, one hundred and five dollars.  
Topsfield, six hundred twelve dollars and fifty cents.  
Townsend, eight hundred and forty dollars.  
Truro, two hundred sixty-two dollars and fifty cents.  
Tyngsborough, two hundred and eighty dollars.  
Tyringham, one hundred fifty-seven dollars and fifty cents.  
Upton, seven hundred and thirty-five dollars.  
Uxbridge, fifteen hundred ninety-two dollars and fifty cents.  
Wakefield, four thousand and ninety-five dollars.  
Wales, two hundred and ten dollars.  
Walpole, fourteen hundred fifty-two dollars and fifty cents.  
Waltham, thirteen thousand and fifty-five dollars.  
Ware, three thousand ninety-seven dollars and fifty cents.  
Wareham, fourteen hundred and seventy dollars.  
Warren, nineteen hundred and sixty dollars.  
Warwick, two hundred twenty-seven dollars and fifty cents.  
Washington, one hundred and forty dollars.  
Watertown, fifty-seven hundred and five dollars.  
Wayland, eleven hundred two dollars and fifty cents.  
Webster, twenty-six hundred and ninety-five dollars.  
Wellesley, forty-six hundred and fifty-five dollars.  
Wellfleet, five hundred forty-two dollars and fifty cents.  
Wendell, one hundred and seventy-five dollars.  
Wenham, four hundred seventy-two dollars and fifty cents.  
West Boylston, nine hundred sixty-two dollars and fifty cents.  
West Bridgewater, seven hundred dollars.  
West Brookfield, five hundred and ninety-five dollars.  
West Newbury, seven hundred dollars.  
West Springfield, twenty-eight hundred eighty-seven dollars and  
fifty cents.  
West Stockbridge, four hundred two dollars and fifty cents.  
West Tisbury, two hundred and eighty dollars.  
Westborough, nineteen hundred and sixty dollars.  
Westfield, fifty-five hundred forty-seven dollars and fifty cents.  
Westford, nine hundred sixty-two dollars and fifty cents.  
Westhampton, one hundred and seventy-five dollars.  
Westminster, five hundred forty-two dollars and fifty cents.  
Weston, twenty-five hundred two dollars and fifty cents.  
Westport, eleven hundred two dollars and fifty cents.  
Weymouth, forty-seven hundred seventy-seven dollars and fifty  
cents.  
Whately, three hundred thirty-two dollars and fifty cents.  
Whitman, twenty-five hundred and fifty-five dollars.  
Wilbraham, five hundred and ninety-five dollars.  
Williamsburg, six hundred and sixty-five dollars.



Williamstown, seventeen hundred sixty-seven dollars and fifty cents. State tax apportioned and assessed.

Wilmington, six hundred and thirty dollars.

Winchendon, sixteen hundred and forty-five dollars.

Winchester, forty-five hundred thirty-two dollars and fifty cents.

Windsor, one hundred and forty dollars.

Winthrop, three thousand and forty-five dollars.

Woburn, sixty-seven hundred and ninety dollars.

Worcester, sixty-three thousand five hundred seven dollars and fifty cents.

Worthington, two hundred twenty-seven dollars and fifty cents.

Wrentham, ten hundred sixty-seven dollars and fifty cents.

Yarmouth, fourteen hundred and seventy dollars.

SECTION 2. The treasurer of the Commonwealth shall forthwith send his warrant, directed to the selectmen or assessors of each city or town taxed as aforesaid, requiring them respectively to assess the sum so charged, according to the provisions of chapter eleven of the Public Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city and town. Treasurer to issue warrant.

SECTION 3. The treasurer of the Commonwealth in his warrant shall require the said selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the tenth day of December in the year eighteen hundred and ninety-seven, the sums set against said cities and towns in the schedule aforesaid; and the selectmen or assessors respectively shall return a certificate of the names of the treasurers of their several cities and towns, with the sum which each may be required to collect, to the treasurer of the Commonwealth at some time before the first day of October in the year eighteen hundred and ninety-seven. Payment of assessments.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of such delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency from and after the tenth day of December in the year eighteen hundred and ninety-seven; and if the same remains unpaid after the first day of January in the year eighteen hundred and ninety-eight, an information may be Notice to treasurer of delinquent cities and towns.

filed by the treasurer of the Commonwealth in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town to enforce the payment of said taxes under such penalties as said court or the justice thereof before whom the hearing is had shall order.

SECTION 5. This act shall take effect upon its passage.

*Approved June 10, 1897.*

*Chap. 502*

AN ACT RELATIVE TO THE CHARLES RIVER SEWERAGE SYSTEM  
AND THE NEPONSET SEWERAGE SYSTEM.

*Be it enacted, etc., as follows:*

To connect the Charles River and Neponset sewerage systems with the sewers of the city of Boston, etc.

SECTION 1. The board of metropolitan sewerage commissioners, constituted under the authority of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, shall connect the Charles River sewerage system for the disposal of the sewage of the Charles River sewerage district, consisting of the cities of Waltham and Newton, the towns of Watertown and Brookline, and a part of the city of Boston, with the sewer of the city of Boston, at the corner of Gainsborough street and Huntington avenue in said city of Boston; and shall connect the Neponset sewerage system for the disposal of the sewage of the Neponset sewerage district, consisting of the towns of Dedham, Hyde Park, Milton, Westwood and a part of the city of Boston, with the sewers of the city of Boston, at or near Granite bridge; and the city of Boston shall discharge the sewage from said systems through its sewers and other works into the water at Moon island.

Commonwealth to pay to city of Boston a certain sum for use of its sewer, etc.

SECTION 2. The Commonwealth shall pay to the city of Boston for the use of its sewer and sewerage works and discharge of the sewage aforesaid, such sum for the years eighteen hundred and ninety-six and eighteen hundred and ninety-seven and every year thereafter until other provision for the discharge of said sewage and payment therefor shall have been made by the legislature for said system as shall be agreed upon by the mayor of said city of Boston and board of metropolitan sewerage commissioners.

Commissioners to be appointed in case of disagreement, etc.

SECTION 3. If said mayor and board of metropolitan sewerage commissioners cannot agree upon the sum to

be paid for either of said years as aforesaid, the supreme judicial court sitting in equity shall, upon application of said mayor or said board, appoint three commissioners, who shall not be residents of any of the cities or towns in said metropolitan sewerage district, who shall, after due notice and hearing, determine the sum to be so paid for such year to said city of Boston for the use of its sewers and sewerage works and discharge of sewage as aforesaid. The award of said commissioners or a majority thereof shall be returned into said court, and when accepted by the court shall be final and conclusive for such year.

SECTION 4. Section seven of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five is hereby repealed. Repeal.

SECTION 5. This act shall take effect upon its passage.

*Approved June 10, 1897.*

AN ACT RELATIVE TO THE ADVERTISING OF NOTICES OF HEARINGS  
BEFORE COMMITTEES OF THE GENERAL COURT. Chap. 503

*Be it enacted, etc., as follows:*

SECTION 1. The auditor of the Commonwealth shall annually, during the recess of the general court, procure a list of the newspapers printed in this Commonwealth, which shall be complete so far as possible, and shall ascertain from the publisher or proprietor of each such newspaper the terms for advertising notices of committee hearings of the general court in such newspaper. The auditor shall cause the list of newspapers and advertising rates, as ascertained by him, to be printed in such form as shall render the same convenient for reference and shall furnish one or more copies thereof to each committee of the general court at its next session. The auditor of the Commonwealth shall advertise in December of each year for proposals from newspapers published in the city of Boston for printing every notice of every public hearing to be given by any and by all committees of the legislature during the year next ensuing, and shall select from such proposals the proposal most advantageous to the Commonwealth, and every notice of every such hearing shall be published in the said newspaper in accordance with such proposal.

Auditor to cause a list of newspapers and advertising rates to be printed, etc.

To advertise for proposals from newspapers published in Boston, etc.

SECTION 2. The several committees in directing the publication of notices of committee hearings shall design- Committees to designate newspapers in which

notices of hearings are to be published, etc.

nate the newspaper or newspapers in which the same are to be published, and shall transmit such notices to the auditor, with the designation of the newspapers endorsed thereon. The auditor shall thereupon transmit such notices to said newspapers for publication and shall give such directions as he may see fit as to the manner of publication, with a view to reducing the expense of such advertisements to a minimum. The auditor may, in his annual report, recommend any changes in the system of advertising notices of committee hearings which he deems to be for the best interests of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

*Approved June 10, 1897.*

**Chap. 504** AN ACT TO AUTHORIZE THE TOWN OF LEXINGTON TO CONSTRUCT  
A SYSTEM OF SEWERAGE.

*Be it enacted, etc., as follows:*

May construct,  
etc., a system  
of sewerage,  
etc.

SECTION 1. The town of Lexington is hereby authorized, through a board of commissioners to be elected as hereinafter provided, to lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or for the whole of its territory, and such connections and other works as may be required for a system of sewage disposal for said town, to be constructed, maintained and operated in connection with the main sewers and other works required to be constructed, maintained and operated, and said board for the purpose of providing better surface or other drainage for any part or parts of said town, guarding against pollution of waters, and otherwise protecting the public health, may lay, make and maintain such main drains as they deem best, may within the limits of said town deepen, widen and clear of obstructions any brook, stream or water course, and straighten, alter or divert the courses or channels thereof.

May lay main  
drains, etc.

Sewer com-  
missioners,  
election, terms,  
etc.

SECTION 2. Said board shall consist of three commissioners, to be called the Board of Sewer Commissioners of the Town of Lexington, who shall be citizens and residents of said town and shall be elected by ballot at a special meeting or at an annual meeting of said town, one commissioner to hold office for one year, one for two years and one for three years, respectively, from the date of the annual town meeting next succeeding the

date of his election or until his successor is elected and qualified; and at each annual town meeting thereafter said town shall elect one member of said board to serve for three years, or until his successor is elected and qualified. If a vacancy shall occur in said board said town may, at a meeting called for the purpose, elect a person duly qualified to fill said vacancy. Vacancy.

SECTION 3. Said board of commissioners, acting for and in behalf of said town, shall have full power to take by purchase or otherwise any lands in fee and any water rights, rights of way and easements in said town, public or private, of any persons or corporations, necessary for the establishment of such systems of main drains and sewers and sewage disposal, or for any of the purposes mentioned in section one of this act, and may divert streams and water courses, and may construct within said town such main drains and sewers under or over any water course, bridge, railroad, highway, boulevard or other way, or within the location of the Middlesex Central railroad, now operated under a lease to the Boston and Maine Railroad, and may enter upon and dig up any private land, street or way, or railroad location, for the purpose of laying such main drains and sewers beneath the surface thereof, and of maintaining and repairing the same, and may do any other thing necessary or proper for the purposes of this act: *provided, however*, that they shall not take any land of any railroad corporation in fee and that they shall not enter upon or construct any drains or sewers within the location of any railroad corporation, excepting at such time and in such manner as they may agree upon with such corporation, or in case of failure to agree, as may be approved by the board of railroad commissioners. No sewerage or water from any under drain of any sewer shall be discharged or allowed to flow directly or indirectly into any pond, reservoir, stream or water course forming a portion of the water supply of the town of Arlington; nor shall said water supply be contaminated in any other manner. No consent or approval of the state board of health shall prejudice, affect or impair the rights of the town of Arlington to recover from the town of Lexington all damages it may sustain by reason of any injury to its water supply or otherwise, under the provisions of this act. May take lands, water rights, etc.

May divert streams, dig up private land, etc.

Provido.

Not to affect certain rights, etc., of the town of Arlington.

Description of  
lands, etc., to  
be recorded.

**SECTION 4.** Said board, in order to take any lands in fee, water rights, rights of way or easements otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds for the southern district of the county of Middlesex, a statement signed by the majority of said board, containing a description thereof, as certain as is required in a conveyance of land, and specifying therein that the same are taken under the authority of this act; and upon such recording the title in the lands, water rights, rights of way or easements described in such statement shall vest in said town of Lexington, which shall pay all damages therefor, and all other damages which shall be sustained by any person or corporation through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing and may agree with the person or corporation injured upon the damages sustained by any such person or corporation, for any taking of property or rights for the purposes aforesaid, or otherwise sustained under any of the provisions of this act, and if the damages are not agreed upon a jury in the superior court for said county may be had to determine the same upon petition of the aggrieved party, in the manner provided by law for determining the damages to be paid for land taken for highways; but in case of a taking no suit or petition shall be brought after two years from the date of the recording of the taking as herein provided, and in all other cases no suit or petition shall be brought after two years from the time when the cause of action first accrues.

Damages.

Town may offer  
a specified sum,  
etc.

**SECTION 5.** In every case of a petition for the assessment of damages or for a jury said town may at any time file in the office of the clerk of said court an offer in writing to pay the petitioner a sum therein specified as damages; and if said petitioner does not accept the same within ten days after notice of such offer, and does not finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of said notice, and the petitioner if he does not recover damages to an amount greater than the amount specified in said offer shall be entitled to costs only to said date.

Apportionment  
of expense, etc.

**SECTION 6.** The owners of estates benefited and abutting on streets or ways, public or private, in which sewers

shall be laid, under the provisions of this act, shall pay to said town towards defraying the cost of such sewers, systems of sewerage and sewage disposal, an assessment or charge as follows :— Twenty-eight cents per running foot frontage on the street or way on which a sewer is constructed, and fifty-two one hundredths of a cent per square foot area within a depth of one hundred feet from the line of such street or way, the area of corner lots being measured to the line bisecting the angle formed by the streets ; but no estate shall be deemed benefited unless or until a sewer is constructed into which it can be drained. The remainder of the cost of said system or systems shall be borne by the town. No particular or other sewer from any estate or part of an estate, not already assessed or not liable to assessment or charge, as provided above, shall be entered into a common sewer, except upon the payment of such an assessment or charge, and upon such other terms and conditions as the board of sewer commissioners shall fix and determine. Upon the completion of a sewer in any street or way, or portion of a street or way, public or private, included within any systems hereby authorized to be constructed, and when the same is ready for use, the board of sewer commissioners may file a certificate with the town treasurer, designating the street or way, or portion of the street or way, in which the sewer has been completed, and setting forth the names of the owners of the estates abutting and benefited, and the amount of assessment or charge to be paid by each, and referring to a plan on file in the town clerk's office, or in such other office as the board shall determine, which plan shall show the frontage, the area assessed, the name of the owner and the amount of the assessment of each estate abutting on said street or way and benefited by said sewer ; and the treasurer shall forthwith, upon the receipt of such certificate, make a demand in writing for the payment of said assessments or charges, and every such owner shall within three months after such demand is served on him or on the occupants of his estate, or sent by mail to the last address of said owner known to the town treasurer, pay the sum so assessed or charged, to the town treasurer : *provided*, that said board shall, on the written request of any such owner made within said three months, apportion such assessment or charge into such number of equal parts or instalments,

Apportionment  
of expense, etc.

Payment, etc.,  
of assessments.

Proviso.

not exceeding ten, as said owner shall state in such request, and they shall certify such apportionment to the assessors; interest from the date of said apportionment at the rate of five per cent. per annum shall be added to each of said assessments or charges until they are paid, and one of said parts shall be added by the assessors to the annual tax on such estates for each year next ensuing, until all said parts have been so added, unless sooner paid as hereinafter provided; and *provided, further*, that nothing herein contained shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any balance of said assessments or charges then remaining unpaid; but interest on such balance at the rate of five per cent. per annum shall be paid to the date of such payment; and thereupon the town treasurer shall receive the same and shall certify such payment or payments to the assessors, who shall preserve a record thereof. In cases of corner lots and lots abutting on more than one sewered street the same area shall not be assessed more than once.

Proviso.

Assessment to constitute a lien upon estate, etc.

SECTION 7. An assessment made under section six shall constitute a lien upon the estate, which shall continue for three years after it is made and notice served as above-provided, or, in case of apportionment, until the expiration of two years from the time the last instalment is committed to the said collector of taxes; and said assessment, if not paid within three months after service of said notice, or, if apportioned, within three months after any part has become due, may, together with interest thereon at the rate of six per cent. per annum, with incidental costs and expenses, be levied by sale of such estate or so much thereof as shall be sufficient to discharge the assessment and interest and intervening charges. Such sale and all proceedings connected therewith shall be conducted in the same manner as sales for the non-payment of taxes; and real estate so sold may be redeemed the same as if sold for the non-payment of taxes, and in the same manner. Such assessment or parts thereof may also be collected by an action of contract, in the name of the town of Lexington, against the owner of said estate brought at any time within three years after the same has become due.

May be collected by an action of contract.

Persons aggrieved may apply for a jury.

SECTION 8. Any person aggrieved by such assessment may, at any time within three months after service



of the demand mentioned in section six of this act, apply to the superior court of said county for a jury to revise the same; but before making such application he shall give to the said commissioners fourteen days' notice in writing of his intention so to do, and shall therein particularly specify his objection to the assessment, to which specification he shall be confined before the jury.

SECTION 9. The town of Lexington, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness to an amount not exceeding one hundred and sixty thousand dollars, and may issue from time to time as may be required therefor, bonds, notes or scrip; and the debt and loan authorized by this act, and the notes, bonds or scrip issued therefor, shall not be considered or reckoned in determining the authorized limit of indebtedness of said town under the provisions of section four of chapter twenty-nine of the Public Statutes and of acts in amendment thereof or in addition thereto. Such bonds, notes or scrip shall bear on their face the words, Lexington Sewerage Loan, shall be payable within periods not exceeding forty years from the date of issue, and shall bear interest payable semi-annually at such rate, not exceeding five per cent. per annum, as the selectmen may determine. Said bonds, notes or scrip shall be signed by the treasurer of said town and shall be countersigned by a majority of the selectmen. The said town may from time to time sell such securities, or any part thereof, at public or private sale, or pledge the same for money borrowed for the purposes of this act, provided that they shall not be sold or pledged for less than the par value thereof; the proceeds thereof shall be retained in the treasury, and the treasurer shall upon the order of said board of commissioners pay therefrom the expenses incurred for the purposes aforesaid.

Lexington  
Sewerage Loan.

SECTION 10. Instead of establishing a sinking fund the said town may at the time of authorizing said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of said town in each year thereafter, in the same manner as other

May provide for  
annual pay-  
ments on loan.

taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes, until the debt incurred by said town shall be extinguished.

Payment of  
expenses, etc.

SECTION 11. The receipts from assessments, and payments made in lieu thereof under this act, and the premiums, if any, received from the sale of bonds, notes or scrip issued under the authority of this act, shall be applied by the board of sewer commissioners to the payment of the charges and expenses for and incident to the maintenance and operation of said systems of sewerage, and for the payment of the further extension of the said system or systems, except that said town may apply any portion of such receipts to the payment of the interest upon said bonds, notes or scrip issued under authority of this act not otherwise provided for, or to the payment or redemption of said bonds, notes or scrip, as the said town shall by vote determine, and said receipts shall be used for no other purpose. If said receipts shall not be sufficient for said purposes in any year then in such case said town shall raise forthwith by taxation, in the same manner as money is raised and appropriated for other town purposes, the balance required therefor.

Clerk and super-  
intendent, ap-  
pointment, etc.

SECTION 12. Said board of commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, neither of whom shall be one of their own number, and may remove said clerk or superintendent at their pleasure. The compensation of said clerk and superintendent and of said commissioners shall be fixed by said town.

Contracts.

SECTION 13. All contracts made by said board of commissioners for the purposes of this act shall be the contracts of said town, and shall be signed by said board; but no contracts shall be made or obligations incurred by said commissioners for the laying out and construction of said systems of sewerage in excess of the amount of money appropriated by the town therefor.

Rules, regula-  
tions and penal-  
ties.

SECTION 14. Said board of commissioners may from time to time prescribe rules and regulations for the connecting of estates and buildings with said main drains and sewers, and for the inspection of materials, construction, alteration or use of all connections and drains entering into such main drains or sewers, and may impose penalties not exceeding twenty dollars, for each violation of any such rule or regulation. Such rules or

regulations shall be published not less than once a week for three successive weeks in some newspaper published in the county of Middlesex, and shall not take effect until such publication has been made.

SECTION 15. The provisions of chapter fifty of the Public Statutes and of acts in amendment thereof, also of chapter two hundred and forty-five of the acts of the year eighteen hundred and ninety-two, so far as applicable and not inconsistent with this act, shall apply to the town of Lexington in carrying out the provisions of this act.

Certain provisions of law to apply.

SECTION 16. This act shall take effect upon its passage ; but no expenditure shall be made nor any liability incurred under the same unless this act shall first be accepted by vote of a majority of the legal voters of said town of Lexington present and voting thereon at a legal meeting called for that purpose within one year from the date of its passage. Said town may elect said board of sewer commissioners, as provided in section two, at the same meeting at which it accepts this act.

When to take effect, etc.

SECTION 17. No act shall be done under the authority of the preceding sections until said system of sewerage shall have been approved by the state board of health. Upon application to said board for such approval the board of water commissioners of the town of Arlington shall be notified by the state board of health of a hearing upon said application. At such hearing plans, showing in detail all the work to be done in constructing said system of sewerage, shall be submitted for the approval of the state board of health. *Approved June 10, 1897.*

System of sewerage to be approved by state board of health.

AN ACT RELATIVE TO LAW LIBRARY ASSOCIATIONS.

Chap.505

*Be it enacted, etc., as follows :*

SECTION 1. The provisions of chapter one hundred and fifty-three of the acts of the year eighteen hundred and ninety-seven shall not apply to so much of the fees from clerks of courts and to naturalization fees as heretofore were payable to law library and bar associations, nor to any other sums of money specifically provided by law to be paid for the use of said associations.

1897, 153, not to apply to certain fees.

SECTION 2. This act shall take effect upon its passage.  
*Approved June 10, 1897.*

**Chap. 506** AN ACT TO INCORPORATE THE ROMAN CATHOLIC ARCHBISHOP OF BOSTON AND HIS SUCCESSORS A CORPORATION SOLE, TO HOLD AND MANAGE CERTAIN PROPERTY FOR RELIGIOUS AND CHARITABLE PURPOSES.

*Be it enacted, etc., as follows:*

Roman Catholic  
Archbishop of  
Boston incor-  
porated.

SECTION 1. The present Roman Catholic archbishop of the archdiocese of Boston and his successors in office shall be and are made a body politic and corporation sole, under the name of the Roman Catholic Archbishop of Boston, and by that name the said archbishop and his successors in office shall be known, and shall hereafter have succession, with all the powers, rights and privileges prescribed, and subject to all the liabilities and limitations imposed by the Public Statutes. And in the event of a vacancy in the office of archbishop, owing to the decease of an incumbent, or should any archbishop in said office be or become incapacitated from performing his duties therein, then the person regularly appointed administrator of said archdiocese shall, while his appointment as administrator continues, have the same powers as are by this act conferred upon the Roman Catholic archbishop of said archdiocese.

May take and  
hold certain real  
and personal  
estate, etc.

SECTION 2. The said corporation shall be empowered to receive, take and hold, by sale, gift, lease, devise or otherwise, real and personal estate of every description, for religious, charitable and burial purposes, and to manage and dispose of the same for the religious and charitable purposes of the Roman Catholic church, subject to the laws of the Commonwealth and to the terms of any trust set forth in any bequest, devise, deed or conveyance of any said estate, with such limitations as may by law govern any such trust, with full power, subject to the laws of the Commonwealth and the terms of such trusts, to convey the said estate by deed of mortgage for the payment of money as well as by deed absolute.

Statement to be  
filed with secre-  
tary of the Com-  
monwealth, etc.

SECTION 3. The present Roman Catholic archbishop of Boston shall, within six months after the passage of this act, make, sign and swear to a statement which he shall submit to the commissioner of corporations, setting forth that he lawfully and regularly holds the office of Roman Catholic archbishop of Boston, and that he accepts the provisions of this act and will duly conform to them. If it appears that the statement has been duly made,

signed and sworn to, the commissioner shall certify that fact and his approval of the statement by his endorsement thereon. Such statement shall thereupon be filed by the person making the same, in the office of the secretary of the Commonwealth, who shall cause the statement, with the endorsement thereon, to be recorded, and shall thereupon issue a certificate to the person making the statement, reciting this act, the substance of the statement aforesaid, and that said Roman Catholic archbishop of Boston and his successors are legally established as and are made an existing corporation, under the name of the Roman Catholic Archbishop of Boston, with the powers, rights and privileges, and subject to the limitations, duties and restrictions which by law appertain thereto. The secretary shall sign the same and cause the seal of the Commonwealth to be thereto affixed, and such certificate shall be conclusive evidence of the existence of such corporation. He shall also cause a record of such certificate to be made, and a certified copy of such record may be given in evidence, with like effect as the original certificate.

SECTION 4. Every successor in the office of archbishop of Boston, and every person duly appointed to administer the office for any cause, shall forthwith make, sign and swear to a statement, which he shall immediately file in the office of the secretary of the Commonwealth, setting forth that he is a citizen of the United States; that at the time of making such statement he lawfully and regularly held the office of archbishop of Boston, or the office of administrator of the archdiocese thereof, as the case may be, and that he has accepted said office and commenced the duties thereof, and in addition thereto shall submit to the secretary of the Commonwealth his letter of appointment in evidence of his being archbishop.

Every successor in the office of archbishop of Boston, etc., to file statement with secretary of the Commonwealth.

SECTION 5. All gifts, grants, deeds and conveyances, and also all devises and bequests heretofore made, of property within this Commonwealth, to every person who held the office of Roman Catholic bishop of Boston, in which the addition of bishop of Boston, or Catholic bishop of Boston, or Roman Catholic bishop of Boston, or archbishop of Boston, or Catholic archbishop of Boston, or Roman Catholic archbishop of Boston, may have been used and made in the instrument giving or disposing of property to the grantee, devisee or legatee, shall be construed, unless the contrary clearly appears on the instrument, when the terms of it and the limitations

Gifts, grants, devises, etc.

thereof shall prevail, as conveying, giving, granting, devising or bequeathing the property in such instrument mentioned to such person as was Roman Catholic bishop of Boston, or Roman Catholic archbishop of Boston, and that the titles passing respectively by such instruments and now held by the present Roman Catholic archbishop of Boston, shall be and the same are hereby vested in the corporation established by this act, subject to any trust expressed in any said instrument, and to any limitations governing said trust.

To be subject to certain laws.

SECTION 6. The corporation shall be subject to all laws of this Commonwealth regulating corporations established for religious and charitable purposes, in requiring them to make annual and other returns to the commissioner of corporations concerning their condition and affairs.

SECTION 7. This act shall take effect upon its passage.

*Approved June 11, 1897.*

**Chap.507** AN ACT TO AUTHORIZE THE TOWN OF BELCHERTOWN TO ACCEPT  
A CERTAIN BEQUEST.

*Be it enacted, etc., as follows :*

Town of Belchertown may accept a certain bequest.

SECTION 1. The town of Belchertown at any town meeting legally called and held may accept the bequest contained in the will of Susan M. D. Bridgman deceased; and may perform the conditions of said will relative to the payment of certain annuities given thereby.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1897.*

**Chap.508** AN ACT TO ESTABLISH A STATE BOARD OF BAR EXAMINERS.

*Be it enacted, etc., as follows :*

Board of bar examiners, appointment, etc.

SECTION 1. The justices of the supreme judicial court shall appoint a board of bar examiners of five members, no two of whom shall reside in the same county, whose term of office shall commence on the first day of October in the year eighteen hundred and ninety-seven, and who shall hold office one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, and thereafter one member shall be appointed annually for the term of five years. Said justices may

remove any examiner and shall have power to fill any vacancy occurring in said board.

SECTION 2. A citizen of this Commonwealth, or an alien who has made the primary declaration of his intention to become a citizen of the United States, and who is an inhabitant of this Commonwealth, of the age of twenty-one years, may petition the supreme judicial or the superior court to be examined for admission as an attorney, whereupon the court shall refer the petition to the board of bar examiners, that they may ascertain his acquirements and qualifications. If the board report that the applicant is of good moral character, and recommend his admission, he may be admitted unless the court shall otherwise determine. A fee of ten dollars shall be paid by each candidate upon the entry of his petition and in case of any subsequent petition of the same candidate a fee of five dollars, to the clerk of the court to which application is made, which shall be forwarded by said clerk to the treasurer of the Commonwealth.

Petition for examination for admission as an attorney, etc.

Fees.

SECTION 3. The said board shall determine the time and place of all examinations for admission to the bar, and may make rules for their conduct and government, not inconsistent with the provisions of law, subject to the approval of the supreme judicial court. There shall be allowed and paid to the members of said board by the treasurer of the Commonwealth, from the fees received under the provisions of this act, such compensation as the justices of the supreme judicial court or a majority of them shall determine.

Board to determine time and place of examinations, etc.

SECTION 4. Section thirty-four of chapter one hundred and fifty-nine of the Public Statutes, and all other acts or parts of acts inconsistent herewith, are hereby repealed.

Repeal.

SECTION 5. This act shall take effect on the first day of January in the year eighteen hundred and ninety-eight.

To take effect January 1, 1898.

*Approved June 11, 1897.*

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO INVESTIGATE THE SUBJECT OF THE RELATIONS BETWEEN STREET RAILWAY AND MUNICIPAL CORPORATIONS.

*Chap. 509*

*Be it enacted, etc., as follows:*

SECTION 1. The governor, with the advice and consent of the council, shall, within thirty days after the

Committee to investigate subject of relations

between street railway and municipal corporations, appointment, etc.

passage of this act, appoint a committee of three suitable persons, one of whom he shall designate as chairman, to investigate the subject of the relations between cities and towns and street railway corporations, the taxation of street railways and their franchises in this Commonwealth and in other states and countries, and the need, if any, of legislation in this Commonwealth to establish a more fixed tenure of franchises of street railways, and an equitable method of taxing the same.

Investigation to proceed forthwith, etc.

SECTION 2. The said committee shall forthwith proceed to investigate and consider the relations existing between cities and towns and street railway companies, the taxation of street railways and their franchises in this Commonwealth and in other states and countries, and shall consider what legislation, if any, is needed to establish a more fixed tenure of franchises of street railways, and an equitable method of taxation thereof in this Commonwealth.

Powers and duties of committee.

SECTION 3. The said committee shall have the power to summon and compel the attendance of witnesses and may administer oaths to such witnesses, and may establish rules and regulations for the conduct of its business, and shall be provided with suitable quarters by the sergeant-at-arms in the state house or elsewhere. It may employ experts and all necessary clerical and other assistance, and may incur such reasonable expenses, including traveling expenses, as may be authorized by the governor and council. Before incurring any expense it shall from time to time make an estimate of the probable amount of expense to be incurred and shall submit such estimate to the governor and council for their approval; and no expense shall be incurred by the committee beyond the amount so estimated and approved. The chairman of said committee shall receive as his compensation the sum of three thousand dollars, and each of the other members the sum of twenty-five hundred dollars. One half of the expense of said committee shall be borne by the several corporations owning or operating street railways in this Commonwealth, according to their gross earnings, and shall be apportioned by the tax commissioner, who, on or before the first day of July in the year eighteen hundred and ninety-eight, shall assess upon each of said corporations its just proportion of such expenses, in proportion to its said earnings for the previous fiscal year, and such

Compensation, etc.



assessment shall be collected in the manner provided by law for the collection of taxes upon corporations.

SECTION 4. Said committee shall complete its investigation on or before the first day of January in the year eighteen hundred and ninety-eight, and shall report the result thereof, in print, to the general court, on or before the first Wednesday in February in said year. If said committee recommends any legislation it shall accompany its report with drafts of such bills as are necessary to carry such recommendations into effect. The powers of said committee shall terminate on said first Wednesday in February.

To report in print to the general court, etc.

SECTION 5. This act shall take effect upon its passage.

*Approved June 11, 1897.*

AN ACT RELATIVE TO THE POLLUTION OF SOURCES OF WATER SUPPLY.

*Chap. 510*

*Be it enacted, etc., as follows:*

SECTION 1. The state board of health shall have the general supervision of and have authority, from time to time, as it may deem expedient, to examine all streams and ponds used by any city, town, or water or ice company in this Commonwealth as sources of water supply, together with all springs, streams and water courses tributary thereto with reference to their purity, and shall have authority to make rules, regulations and orders for the purpose of preventing the pollution, and securing the sanitary protection of the same.

State board of health may examine certain streams and ponds used as sources of water supply, etc.

SECTION 2. Said board shall appoint such agents and servants as it may deem necessary, who shall attend to the enforcement of the provisions of this act and of the rules, regulations and orders thereunder, and shall have the power, by such agents and servants as aforesaid, to enter into and upon any building, structure and premises for the purpose of ascertaining whether or not any sources of pollution or danger to the water supply there exist, and whether or not the provisions of this act and of the rules, regulations and orders made as aforesaid are complied with and obeyed. Such agents and servants shall receive a reasonable compensation for their services to be fixed by said board, but such compensation shall be paid by the city, town, or water or ice company respectively making application to said board as hereinafter

Agents, appointment, powers and duties, etc.

Compensation.

Compensation.

set forth and in the manner following, namely: — Such compensation shall in the first instance be paid by the treasurer of the Commonwealth, upon written requisition signed by said board of health and approved by the governor and council; but at the end of each calendar year the amount so paid shall be apportioned by said board, in such manner as it may deem just and equitable, among such cities, towns, water or ice companies, as shall have made application as aforesaid during such year; and if any such applicant shall fail, upon demand by the treasurer of the Commonwealth, to pay its proportional part so ascertained, as aforesaid, the treasurer may recover the amount thereof from such applicant, with interest from the date of the demand, in an action of contract in the superior court for the county of Suffolk.

Pollution of  
water supplies,  
complaints,  
hearings, etc.

SECTION 3. Upon complaint to said state board of health by the mayor of a city or the selectmen of a town, or by a board of water commissioners, or the president of a water or ice company, that manure, excrement, garbage, sewage, or any other matter is so deposited, kept or discharged as to pollute or tend to pollute the waters of any stream, pond, spring or water course used by a city, town, water or ice company as a source of water supply, or that any other cause of pollution to such water supplies exists, the said board of health shall appoint a time and place for hearing parties to be affected, and give due notice thereof to such parties; and after such hearing, if in its judgment the public health requires it, shall prohibit the deposit, keeping, or discharge of any such material or other cause of pollution as aforesaid, and shall order any person to desist therefrom and to remove any such material theretofore deposited, or other cause of pollution; but said board shall not prohibit the cultivation and use of the soil in the ordinary methods of agriculture, provided that no human excrement is used thereon. But said board shall not prohibit the use of any structure which was in existence at the time of the passage of this act, in case the complaint referring to or including said structure is made by the board of water commissioners of any city or town, or by any water or ice company, unless the board of water commissioners or the water or ice company making the complaint, shall file with said state board of health an order or vote of its city council, selectmen or water or ice company respectively,

to the effect that such city, town, or water or ice company will at its own expense make such changes in said structure or its location as said board shall deem expedient. Such order or vote shall be binding on such city, town, or water or ice company; and, when such changes shall have been made, all damages occasioned thereby shall be paid by such city, town, or water or ice company; and if the parties cannot agree thereon such damages shall be determined by a jury on petition of either party, filed in the clerk's office of the superior court in the county where the premises are located, in the manner provided by law in relation to determining the damages occasioned by taking land for highways in such city or town, or in the case of a water or ice company, in the city or town in which said structure is located. Damages.

SECTION 4. Any person aggrieved by an order passed under this act may appeal therefrom; and if he shall, within ten days from the service of such order upon him, file a petition for a jury in the clerk's office of the superior court in the county where the premises are located, with reference to which such order is made, a trial may, after such notice as the court shall order to the said board of health and to the board of water commissioners and mayor of the city or chairman of the selectmen of the town or president or other officer of the water or ice company interested in such order, be had at the bar of the court in the same manner as other civil cases are tried by jury. If a person by mistake of law or fact or by accident fails to appeal from any such order and to file his petition for a jury within ten days, and if he makes it appear to the court or justice that such failure was caused by mistake or accident, and that he has not since the service of such order upon him violated such order, he may at any time within thirty days from the service of the order upon him appeal therefrom and file his petition for a jury with the same effect as if done within the said ten days. During the pendency of the appeal the order of the said board of health shall be complied with unless otherwise authorized by said board after the appeal. The verdict of the jury, which may either alter the order or affirm or annul it in full, when accepted by the court, shall have the authority and effect of and may be enforced in the same way as an original order from which no appeal had been taken. Persons aggrieved may petition for a jury, etc.

Enforcement of  
orders, rules,  
etc.

SECTION 5. Any court having equity jurisdiction may, in term time or vacation, on the application of said state board of health or of any party interested, by any suitable process or decree in equity, enforce by injunction or otherwise such orders, rules and regulations of said board of health or of said court; and may at the same time issue an injunction to restrain, until the orders, rules and regulations of said board have been complied with, the use or occupation of the premises or such portion thereof as said board may specify, on which the said material is deposited or kept, or such other cause of pollution exists.

Penalty.

SECTION 6. Whoever does any of the acts herein prohibited or violates or refuses to comply with any rule, regulation or order made under the authority of this act shall be punished for each offence by a fine not exceeding five hundred dollars, to be paid to the Commonwealth, or by imprisonment not exceeding one year in the house of correction, or by both such fine and imprisonment.

Not to impair  
certain existing  
provision of  
law, etc.

SECTION 7. Chapter four hundred and forty-one of the acts of the year eighteen hundred and ninety is hereby repealed; but otherwise this act shall not be construed to impair or repeal any existing provision of law in regard to the pollution of springs, streams, ponds or water courses, or the prevention of such pollution, or the powers and jurisdiction of any court relating to the prevention of such pollution; nor shall it be applicable to the Merrimac or Connecticut rivers, nor to so much of the Concord river as lies within the limits of the city of Lowell, nor to springs, streams, ponds or water courses over which the metropolitan water board has control.

Certain pro-  
visions of law  
to apply.

SECTION 8. All general laws relating to the water supplies of cities and towns or the lands and other property used for such supplies shall, so far as they are not inconsistent with the provisions of this act, apply to and be observed in carrying out the purposes of this act.

Place of holding  
hearings.

SECTION 9. All hearings granted in accordance with the provisions of this act shall be held in the county in which the nuisance or pollution is alleged to exist.

SECTION 10. This act shall take effect upon its passage.

*Approved June 11, 1897.*

TO AUTHORIZE THE APPOINTMENT OF A COMMITTEE TO  
AN ACT EMBODYING THE PRINCIPLES OF THE TORRENS  
SYSTEM OF LAND TRANSFER.

*Chap. 511*

*Enacted, etc., as follows :*

SECTION 1. The governor, by and with the advice and consent of the council, shall appoint a committee to consist of one or more suitable persons, to draft and prepare an act embodying the principles of the Torrens system of land transfer, with such changes as may be deemed necessary or advisable, or any other recommendations they may deem advisable, to simplify the transfers of land and the title thereto.

Committee to draft an act embodying principles of Torrens system of land transfer, appointment.

SECTION 2. Said committee may employ such assistants as it may deem expedient and shall report said act to the next general court on or before the first Wednesday of January. Said committee may expend such sums in the performance of its duties, and shall be allowed such compensation, as the governor and council may determine. And the term of office of said committee shall expire upon the making of said report.

To report to next general court, etc.

*Approved June 11, 1897.*

AN ACT RELATIVE TO DORCHESTER AVENUE IN THE CITY OF BOSTON.

*Chap. 512*

*Be it enacted, etc., as follows :*

SECTION 1. The board of street commissioners of the city of Boston, with the approval of the board of harbor and land commissioners, may lay out, and the city of Boston shall construct, Dorchester avenue in said city between First street and Summer street, so that the easterly line of said avenue shall correspond substantially with the harbor line from said Summer street to Washington avenue bridge extended in a straight line across Fort Point channel to Dorchester avenue in South Boston, and the westerly line of said avenue shall be ninety-two feet distant westerly from, and parallel with, said easterly line, and said city shall construct as part of said avenue a new bridge across said channel, with a draw therein, the width, plan and location of such bridge and draw to be approved by the board of harbor and land commissioners.

City of Boston to construct Dorchester avenue between First and Summer streets, etc.

SECTION 2. Said avenue, bridge and draw shall be laid out and constructed under the provisions of chapter five hundred and sixteen of the acts of the year eighteen

To be constructed under provisions of 1896, 516, etc.

Enforcement of  
orders, rules,  
etc.

SECTION 5. Any court having equity jurisdiction may, in term time or vacation, on the application of said state board of health or of any party interested, by any suitable process or decree in equity, enforce by injunction or otherwise such orders, rules and regulations of said board of health or of said court; and may at the same time issue an injunction to restrain, until the orders, rules and regulations of said board have been complied with, the use or occupation of the premises or such portion thereof as said board may specify, on which the said material is deposited or kept, or such other cause of pollution exists.

Penalty.

SECTION 6. Whoever does any of the acts herein prohibited or violates or refuses to comply with any rule, regulation or order made under the authority of this act shall be punished for each offence by a fine not exceeding five hundred dollars, to be paid to the Commonwealth, or by imprisonment not exceeding one year in the house of correction, or by both such fine and imprisonment.

Not to impair  
certain existing  
provision of  
law, etc.

SECTION 7. Chapter four hundred and forty-one of the acts of the year eighteen hundred and ninety is hereby repealed; but otherwise this act shall not be construed to impair or repeal any existing provision of law in regard to the pollution of springs, streams, ponds or water courses, or the prevention of such pollution, or the powers and jurisdiction of any court relating to the prevention of such pollution; nor shall it be applicable to the Merrimac or Connecticut rivers, nor to so much of the Concord river as lies within the limits of the city of Lowell, nor to springs, streams, ponds or water courses over which the metropolitan water board has control.

Certain pro-  
visions of law  
to apply.

SECTION 8. All general laws relating to the water supplies of cities and towns or the lands and other property used for such supplies shall, so far as they are not inconsistent with the provisions of this act, apply to and be observed in carrying out the purposes of this act.

Place of holding  
hearings.

SECTION 9. All hearings granted in accordance with the provisions of this act shall be held in the county in which the nuisance or pollution is alleged to exist.

SECTION 10. This act shall take effect upon its passage.

*Approved June 11, 1897.*

**AN ACT TO AUTHORIZE THE APPOINTMENT OF A COMMITTEE TO DRAFT AN ACT EMBODYING THE PRINCIPLES OF THE TORRENS SYSTEM OF LAND TRANSFER.** *Chap.511*

*Be it enacted, etc., as follows :*

**SECTION 1.** The governor, by and with the advice and consent of the council, shall appoint a committee to consist of one or more suitable persons, to draft and prepare an act embodying the principles of the Torrens system of land transfer, with such changes as may be deemed necessary or advisable, or any other recommendations they may deem advisable, to simplify the transfers of land and the title thereto.

Committee to draft an act embodying principles of Torrens system of land transfer, appointment.

**SECTION 2.** Said committee may employ such assistants as it may deem expedient and shall report said act to the next general court on or before the first Wednesday of January. Said committee may expend such sums in the performance of its duties, and shall be allowed such compensation, as the governor and council may determine. And the term of office of said committee shall expire upon the making of said report.

To report to next general court, etc.

*Approved June 11, 1897.*

**AN ACT RELATIVE TO DORCHESTER AVENUE IN THE CITY OF BOSTON.** *Chap.512*

*Be it enacted, etc., as follows :*

**SECTION 1.** The board of street commissioners of the city of Boston, with the approval of the board of harbor and land commissioners, may lay out, and the city of Boston shall construct, Dorchester avenue in said city between First street and Summer street, so that the easterly line of said avenue shall correspond substantially with the harbor line from said Summer street to Washington avenue bridge extended in a straight line across Fort Point channel to Dorchester avenue in South Boston, and the westerly line of said avenue shall be ninety-two feet distant westerly from, and parallel with, said easterly line, and said city shall construct as part of said avenue a new bridge across said channel, with a draw therein, the width, plan and location of such bridge and draw to be approved by the board of harbor and land commissioners.

City of Boston to construct Dorchester avenue between First and Summer streets, etc.

**SECTION 2.** Said avenue, bridge and draw shall be laid out and constructed under the provisions of chapter five hundred and sixteen of the acts of the year eighteen

To be constructed under provisions of 1896, 516, etc.

hundred and ninety-six, and the expenses incurred in such laying out and construction shall be paid from the proceeds of the loan which said city is authorized to make to pay the expenses incurred by said city in carrying out the provisions of said chapter.

Harbor and land commissioners may make changes in harbor line.

SECTION 3. The board of harbor and land commissioners may make such changes in the harbor line of said channel as will, in their opinion, facilitate the construction of said avenue, bridge and draw in an economical and proper manner.

SECTION 4. This act shall take effect upon its passage.

*Approved June 11, 1897.*

**Chap. 513** AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A PIER AND DOCK ON THE COMMONWEALTH'S FLATS AT SOUTH BOSTON.

*Be it enacted, etc., as follows:*

Pier and dock to be constructed on Commonwealth's flats at South Boston.

SECTION 1. The board of harbor and land commissioners is hereby directed to construct a pier and dock on the northerly frontage of the Commonwealth's flats at South Boston, in substantial accordance with the recommendations contained in the final report of the state board on docks and terminal facilities. All contracts made under the provisions of this act shall be subject to the approval of the governor and council.

Harbor Improvement Loan.

SECTION 2. To meet the expenses incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding four hundred thousand dollars, for a term not exceeding forty years. Said scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually on the first days of January and July in each year, shall be redeemable at maturity in the gold coin of the United States or its equivalent, shall be designated on the face thereof, Harbor Improvement Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth. Said scrip or certificates shall be sold in such instalments as the governor and council may determine, by public advertisement to the lowest bidder, at not less than the par value thereof, or in such other



manner as the governor and council may determine to be for the best interest of the Commonwealth; and the treasurer and receiver general shall apportion to a sinking fund from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be included in and be made a part of the annual state tax levy, and any premium over the par value of said bonds received from the sale thereof shall form part of the sinking fund for their redemption.

Sinking fund,  
etc.

SECTION 3. This act shall take effect upon its passage.

*Approved June 11, 1897.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO SARAH F. PAGET, WIDOW OF JOSEPH T. PAGET.

*Chap. 514*

*Be it enacted, etc., as follows:*

SECTION 1. The school committee of the city of Boston is hereby authorized to order the payment to Sarah F. Paget, widow of Joseph T. Paget late military instructor in the public schools of said city, who died on the tenth day of May last, the balance of the salary to which he would have been entitled had he lived and continued to hold his office until the first day of September in the year eighteen hundred and ninety-seven.

Certain sum to  
be paid to Sarah  
F. Paget,  
widow of  
Joseph T.  
Paget.

SECTION 2. The city treasurer of the city of Boston shall pay such sum from the treasury of the city on presentation of an order from said committee for the payment to said Sarah F. Paget of said sum.

To be paid from  
treasury of city  
of Boston.

SECTION 3. This act shall take effect upon its passage.

*Approved June 11, 1897.*

AN ACT TO PROVIDE FOR A UNIFORM SYSTEM OF PREPARING JURY LISTS AND IMPANELLING JURIES THROUGHOUT THE COMMONWEALTH.

*Chap. 515*

*Be it enacted, etc., as follows:*

#### PREPARATION OF JURY LISTS.

SECTION 1. The board of registrars of voters in each city in the Commonwealth except Boston, and in Boston the board of election commissioners, shall, in January or February of each year, prepare a list of such inhabitants

Preparation of  
jury lists.

of the city, not absolutely exempt from jury service, as they think well qualified to serve as jurors, of good moral character, of sound judgment, and free from all legal exceptions; which list shall include not less than one for every one hundred inhabitants of the city, and not more than one for every sixty inhabitants, computing by the then last census.

Posting, striking names from lists, etc.

SECTION 2. The list when so prepared shall be posted up by said board in public places in the city ten days at least before it is submitted for revision and acceptance, and shall then be laid before the board of aldermen. In cities in which the city council consists of but one branch the list shall be laid before the city council. The authority before which such list is laid may strike names from such list but shall not add names thereto, except as hereinafter provided. Said authority shall strike no name from said list except of a person who has been convicted of a crime and has not been pardoned on the ground of his innocence of such crime, or of a person who is not qualified by law for service as a juror.

Additional lists may be prepared, etc.

SECTION 3. If the list as revised and accepted includes less than one juror for every hundred inhabitants of said city, said board of registrars of voters or said board of election commissioners shall prepare, post and submit to the authority aforesaid a further list or lists, and like proceedings shall be had as in the case of the original list, until the number of jurors required by law is obtained.

Lists in cities to be published.

SECTION 4. The jury lists in cities shall be published as a public document, with the address and occupation of each juror.

Names to be put into a box.

SECTION 5. The authority revising the list, under the provisions of section two of this act, shall cause the names borne on the list as completed to be written each on a separate paper or ballot and shall roll up or fold the ballots so as to resemble each other as much as possible, and so that the name written thereon shall not be visible on the outside; and they shall place the ballots in a box to be kept by the city clerk for that purpose.

Name of person convicted, etc., to be withdrawn.

SECTION 6. If a person whose name is so placed in the jury box is convicted of a scandalous crime, or is guilty of gross immorality, his name shall be withdrawn therefrom by the authority aforesaid, and he shall not be returned to serve as a juror.

DRAWING AND SUMMONING OF JURORS.

SECTION 7. Jurors shall be drawn and summoned as provided by sections seventeen to twenty-two, both inclusive, of chapter one hundred and seventy of the Public Statutes, and by chapter five hundred and fourteen of the acts of the year eighteen hundred and ninety-four, and acts in amendment thereof and in addition thereto. Venires for jurors to be returned from cities shall be served on the board of officers authorized by law to draw jurors.

Drawing and summoning of jurors.

IMPANELLING OF JURIES.

SECTION 8. On the day when the jurors are summoned to attend at court, in any county in the Commonwealth, for the trial of either civil or criminal cases, except capital cases, the clerk of the court shall cause the name, place of abode, and occupation of each person summoned as a juror, to be written on separate cards or papers, all of which shall be as nearly as may be of the same size, and shall cause them to be placed in a box provided for that purpose. When a case is brought on to be tried the clerk, in open court, shall shake the papers thoroughly together, and shall then draw out twelve papers one after the other. If any of the persons whose names are so drawn do not appear, or are excused or set aside, the clerk shall draw out other papers until the names of twelve are drawn who appear and are not excused or set aside. The said twelve men shall be duly sworn and impanelled, and shall be the jury to try the issue, and one of them shall be appointed foreman by the court. The names of the jurors so sworn shall be kept by themselves, and, when the verdict of a jury has been recorded or when the jury has been discharged by consent of parties or by leave of the court, shall be returned to the box; and this process shall be repeated in each case when an issue is brought on to be tried by jury; but if an issue is so brought on before the verdict in any other case has been recorded or the jury in such case has been discharged, the court may order a jury for the trial of such issue to be impanelled, by the drawing, in the manner aforesaid, of papers from those then remaining in the box.

Impanelling of juries in all cases except capital cases.

SECTION 9. When a jury is to be impanelled in any county in the Commonwealth for the trial of a capital

In capital cases.

between street railway and municipal corporations, appointment, etc.

passage of this act, appoint a committee of three suitable persons, one of whom he shall designate as chairman, to investigate the subject of the relations between cities and towns and street railway corporations, the taxation of street railways and their franchises in this Commonwealth and in other states and countries, and the need, if any, of legislation in this Commonwealth to establish a more fixed tenure of franchises of street railways, and an equitable method of taxing the same.

Investigation to proceed forthwith, etc.

SECTION 2. The said committee shall forthwith proceed to investigate and consider the relations existing between cities and towns and street railway companies, the taxation of street railways and their franchises in this Commonwealth and in other states and countries, and shall consider what legislation, if any, is needed to establish a more fixed tenure of franchises of street railways, and an equitable method of taxation thereof in this Commonwealth.

Powers and duties of committee.

SECTION 3. The said committee shall have the power to summon and compel the attendance of witnesses and may administer oaths to such witnesses, and may establish rules and regulations for the conduct of its business, and shall be provided with suitable quarters by the sergeant-at-arms in the state house or elsewhere. It may employ experts and all necessary clerical and other assistance, and may incur such reasonable expenses, including traveling expenses, as may be authorized by the governor and council. Before incurring any expense it shall from time to time make an estimate of the probable amount of expense to be incurred and shall submit such estimate to the governor and council for their approval; and no expense shall be incurred by the committee beyond the amount so estimated and approved. The chairman of said committee shall receive as his compensation the sum of three thousand dollars, and each of the other members the sum of twenty-five hundred dollars. One half of the expense of said committee shall be borne by the several corporations owning or operating street railways in this Commonwealth, according to their gross earnings, and shall be apportioned by the tax commissioner, who, on or before the first day of July in the year eighteen hundred and ninety-eight, shall assess upon each of said corporations its just proportion of such expenses, in proportion to its said earnings for the previous fiscal year, and such

Compensation, etc.

assessment shall be collected in the manner provided by law for the collection of taxes upon corporations.

SECTION 4. Said committee shall complete its investigation on or before the first day of January in the year eighteen hundred and ninety-eight, and shall report the result thereof, in print, to the general court, on or before the first Wednesday in February in said year. If said committee recommends any legislation it shall accompany its report with drafts of such bills as are necessary to carry such recommendations into effect. The powers of said committee shall terminate on said first Wednesday in February.

To report in print to the general court, etc.

SECTION 5. This act shall take effect upon its passage.

*Approved June 11, 1897.*

AN ACT RELATIVE TO THE POLLUTION OF SOURCES OF WATER SUPPLY.

*Chap. 510*

*Be it enacted, etc., as follows:*

SECTION 1. The state board of health shall have the general supervision of and have authority, from time to time, as it may deem expedient, to examine all streams and ponds used by any city, town, or water or ice company in this Commonwealth as sources of water supply, together with all springs, streams and water courses tributary thereto with reference to their purity, and shall have authority to make rules, regulations and orders for the purpose of preventing the pollution, and securing the sanitary protection of the same.

State board of health may examine certain streams and ponds used as sources of water supply, etc.

SECTION 2. Said board shall appoint such agents and servants as it may deem necessary, who shall attend to the enforcement of the provisions of this act and of the rules, regulations and orders thereunder, and shall have the power, by such agents and servants as aforesaid, to enter into and upon any building, structure and premises for the purpose of ascertaining whether or not any sources of pollution or danger to the water supply there exist, and whether or not the provisions of this act and of the rules, regulations and orders made as aforesaid are complied with and obeyed. Such agents and servants shall receive a reasonable compensation for their services to be fixed by said board, but such compensation shall be paid by the city, town, or water or ice company respectively making application to said board as hereinafter

Agents, appointment, powers and duties, etc.

Compensation.

between street railway and municipal corporations, appointment, etc.

passage of this act, appoint a committee of three suitable persons, one of whom he shall designate as chairman, to investigate the subject of the relations between cities and towns and street railway corporations, the taxation of street railways and their franchises in this Commonwealth and in other states and countries, and the need, if any, of legislation in this Commonwealth to establish a more fixed tenure of franchises of street railways, and an equitable method of taxing the same.

Investigation to proceed forthwith, etc.

SECTION 2. The said committee shall forthwith proceed to investigate and consider the relations existing between cities and towns and street railway companies, the taxation of street railways and their franchises in this Commonwealth and in other states and countries, and shall consider what legislation, if any, is needed to establish a more fixed tenure of franchises of street railways, and an equitable method of taxation thereof in this Commonwealth.

Powers and duties of committee.

SECTION 3. The said committee shall have the power to summon and compel the attendance of witnesses and may administer oaths to such witnesses, and may establish rules and regulations for the conduct of its business, and shall be provided with suitable quarters by the sergeant-at-arms in the state house or elsewhere. It may employ experts and all necessary clerical and other assistance, and may incur such reasonable expenses, including travelling expenses, as may be authorized by the governor and council. Before incurring any expense it shall from time to time make an estimate of the probable amount of expense to be incurred and shall submit such estimate to the governor and council for their approval; and no expense shall be incurred by the committee beyond the amount so estimated and approved. The chairman of said committee shall receive as his compensation the sum of three thousand dollars, and each of the other members the sum of twenty-five hundred dollars. One half of the expense of said committee shall be borne by the several corporations owning or operating street railways in this Commonwealth, according to their gross earnings, and shall be apportioned by the tax commissioner, who, on or before the first day of July in the year eighteen hundred and ninety-eight, shall assess upon each of said corporations its just proportion of such expenses, in proportion to its said earnings for the previous fiscal year, and such

Compensation, etc.

assessment shall be collected in the manner provided by law for the collection of taxes upon corporations.

SECTION 4. Said committee shall complete its investigation on or before the first day of January in the year eighteen hundred and ninety-eight, and shall report the result thereof, in print, to the general court, on or before the first Wednesday in February in said year. If said committee recommends any legislation it shall accompany its report with drafts of such bills as are necessary to carry such recommendations into effect. The powers of said committee shall terminate on said first Wednesday in February.

To report in print to the general court, etc.

SECTION 5. This act shall take effect upon its passage.

*Approved June 11, 1897.*

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State board of health may examine certain streams and ponds used as sources of water supply, etc.

SECTION 2. Said board shall appoint such agents and servants as it may deem necessary, who shall attend to the enforcement of the provisions of this act and of the rules, regulations and orders thereunder, and shall have the power, by such agents and servants as aforesaid, to enter into and upon any building, structure and premises for the purpose of ascertaining whether or not any sources of pollution or danger to the water supply there exist, and whether or not the provisions of this act and of the rules, regulations and orders made as aforesaid are complied with and obeyed. Such agents and servants shall receive a reasonable compensation for their services to be fixed by said board, but such compensation shall be paid by the city, town, or water or ice company respectively making application to said board as hereinafter

Agents, appointment, powers and duties, etc.

Compensation.

**Compensation.** set forth and in the manner following, namely: — Such compensation shall in the first instance be paid by the treasurer of the Commonwealth, upon written requisition signed by said board of health and approved by the governor and council; but at the end of each calendar year the amount so paid shall be apportioned by said board, in such manner as it may deem just and equitable, among such cities, towns, water or ice companies, as shall have made application as aforesaid during such year; and if any such applicant shall fail, upon demand by the treasurer of the Commonwealth, to pay its proportional part so ascertained, as aforesaid, the treasurer may recover the amount thereof from such applicant, with interest from the date of the demand, in an action of contract in the superior court for the county of Suffolk.

**Pollution of  
water supplies,  
complaints,  
hearings, etc.**

**SECTION 3.** Upon complaint to said state board of health by the mayor of a city or the selectmen of a town, or by a board of water commissioners, or the president of a water or ice company, that manure, excrement, garbage, sewage, or any other matter is so deposited, kept or discharged as to pollute or tend to pollute the waters of any stream, pond, spring or water course used by a city, town, water or ice company as a source of water supply, or that any other cause of pollution to such water supplies exists, the said board of health shall appoint a time and place for hearing parties to be affected, and give due notice thereof to such parties; and after such hearing, if in its judgment the public health requires it, shall prohibit the deposit, keeping, or discharge of any such material or other cause of pollution as aforesaid, and shall order any person to desist therefrom and to remove any such material theretofore deposited, or other cause of pollution; but said board shall not prohibit the cultivation and use of the soil in the ordinary methods of agriculture, provided that no human excrement is used thereon. But said board shall not prohibit the use of any structure which was in existence at the time of the passage of this act, in case the complaint referring to or including said structure is made by the board of water commissioners of any city or town, or by any water or ice company, unless the board of water commissioners or the water or ice company making the complaint, shall file with said state board of health an order or vote of its city council, selectmen or water or ice company respectively,



to the effect that such city, town, or water or ice company will at its own expense make such changes in said structure or its location as said board shall deem expedient. Such order or vote shall be binding on such city, town, or water or ice company; and, when such changes shall have been made, all damages occasioned thereby shall be paid by such city, town, or water or ice company; and if the parties cannot agree thereon such damages shall be determined by a jury on petition of either party, filed in the clerk's office of the superior court in the county where the premises are located, in the manner provided by law in relation to determining the damages occasioned by taking land for highways in such city or town, or in the case of a water or ice company, in the city or town in which said structure is located.

Damages.

SECTION 4. Any person aggrieved by an order passed under this act may appeal therefrom; and if he shall, within ten days from the service of such order upon him, file a petition for a jury in the clerk's office of the superior court in the county where the premises are located, with reference to which such order is made, a trial may, after such notice as the court shall order to the said board of health and to the board of water commissioners and mayor of the city or chairman of the selectmen of the town or president or other officer of the water or ice company interested in such order, be had at the bar of the court in the same manner as other civil cases are tried by jury. If a person by mistake of law or fact or by accident fails to appeal from any such order and to file his petition for a jury within ten days, and if he makes it appear to the court or justice that such failure was caused by mistake or accident, and that he has not since the service of such order upon him violated such order, he may at any time within thirty days from the service of the order upon him appeal therefrom and file his petition for a jury with the same effect as if done within the said ten days. During the pendency of the appeal the order of the said board of health shall be complied with unless otherwise authorized by said board after the appeal. The verdict of the jury, which may either alter the order or affirm or annul it in full, when accepted by the court, shall have the authority and effect of and may be enforced in the same way as an original order from which no appeal had been taken.

Persons aggrieved may petition for a jury, etc.

City treasurer  
of Boston to  
issue bonds, etc.

sustained by, said railroad companies under this act, taking into consideration in determining the same the benefit to the public by the carrying out of the provisions of this act, and the amount so determined shall not be included in the cost aforesaid to be paid by said railroad company, state and city, but the treasurer of said city shall on the request of the mayor issue bonds to the amount so determined, one half of the amount thereof to be issued in the year eighteen hundred and ninety-eight and the remainder in the following year, all of said bonds to be within the debt limit of said city, to run for the term of thirty years, and to be issued subject to the provisions of sections five and six of chapter four hundred and eight of the acts of the year eighteen hundred and ninety-five, so far as applicable. No report of the doings of the commissioners appointed by said court as aforesaid shall be filed in court, or shall be made by them, until such agreement is made and delivered to them, and in such case the same shall be filed with and considered as a part of their report.

Certain provisions of law to  
apply, etc.

SECTION 4. Sections one to eight, inclusive, of chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, and all acts in amendment thereof or in addition thereto, shall, so far as they are applicable and not inconsistent with the provisions of this act, apply to the carrying out of the provisions of this act, the award of said commissioners, and the enforcement of said agreement; and all damages suffered by any persons in their property by reason of anything done under this act may be recovered in the manner provided in said chapter for the recovery of damages caused by the taking of land for the alteration of grade crossings, and that portion of said railroad in the city of Boston shall hereafter be operated only with such motive power and in such manner as is or may hereafter be authorized and required by the general laws of the Commonwealth.

SECTION 5. This act shall take effect upon its passage.

*Approved June 11, 1897.*

**Chap. 520** AN ACT TO PROVIDE FOR THE ADDITION OF A PORTION OF THE TOWN OF LEXINGTON TO THE METROPOLITAN SEWERAGE SYSTEM.  
*Be it enacted, etc., as follows:*

Portion of town  
of Lexington  
added to the

SECTION 1. The territory comprising the villages of Centre and East Lexington, in the town of Lexington, is

hereby added to the north metropolitan sewerage district, created by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, entitled, "An Act to provide for the building, maintenance and operation of a system of sewage disposal for the Mystic and Charles river valleys." In becoming a part of the metropolitan system said addition shall be subject to the provisions and shall conform to the requirements of the aforesaid act and of acts in amendment thereof and in addition thereto, except as herein provided, and the proportionate liability incurred by said addition shall be assumed by the town of Lexington. Any authority granted to other municipalities by said act or by acts in amendment thereof and in addition thereto is hereby also vested in said town of Lexington, but limited in application to the territory comprising said addition.

north metropolitan sewerage district, etc.

SECTION 2. The metropolitan sewerage commissioners shall provide an outlet at the Lexington town line in or near Massachusetts avenue for the sewage of said addition, and, acting on behalf of the Commonwealth, shall take by purchase or otherwise of the town of Arlington the present sewer constructed by said town through Decatur street, private land, Coral street, private land, Franklin street, Lewis avenue, Medford, Chestnut and Mystic streets and Massachusetts avenue to Lowell street in said Arlington, and shall pay the town of Arlington the cost of the same, less the proportion of the cost assessed on the abutting property; and the same shall become and is hereby made a part of the main trunk line of sewers belonging to the metropolitan system.

Metropolitan sewerage commissioners to provide an outlet for sewage, take sewer constructed by town of Arlington, etc.

SECTION 3. The metropolitan sewerage commissioners shall at once extend the said main sewer line to the Lexington town line by constructing a main sewer through Massachusetts avenue, or through such streets, ways or private lands in said Arlington as the metropolitan sewerage commissioners may elect, the end of said sewer to be at or near the point where Massachusetts avenue crosses the Lexington and Arlington town line: *provided, however*, that for the purpose of assessment and taxation said extension of the main sewer shall be treated as a local sewer of said town of Arlington, and assessments shall be made therefor by said town according to such scheme or plan as may be adopted by said town for its local sewers, and such sums as may be assessed there-

To extend main sewer line, etc.

Proviso.

for shall be paid by the treasurer of said town into the treasury of the Commonwealth and shall be credited to and form a part of the fund known as the Metropolitan Sewerage Loan Fund, authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and by acts in amendment thereof and in addition thereto.

May construct a new sewer, etc.

SECTION 4. Whenever said portion of the sewer in Massachusetts avenue shall be insufficient to accommodate the town of Lexington and the portion of the town of Arlington using the same, the metropolitan sewerage commissioners shall construct a new sewer in the valley of Mill or Sucker brook, in such a location as shall accommodate all portions of said valley.

Connections may be made with sewers under direction of board, etc.

SECTION 5. The town of Arlington and any persons and corporations may make connections with any sewers acquired or constructed by the board of metropolitan sewerage commissioners under the authority of this act, subject to the control and under the direction of said board.

Certain provisions of law to apply, etc.

SECTION 6. In providing said outlets and in receiving sewage from said addition and said town of Arlington, and in any action in relation thereto, and for the purpose of taking, constructing and maintaining said additional main lines of sewer, the said board of sewerage commissioners, acting on behalf of the Commonwealth, shall have and exercise all the authority conferred upon them by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and by acts in amendment thereof and in addition thereto regarding the original system or anything relating thereto; and all the provisions of said chapter are hereby made applicable to this additional taking and construction, except as herein otherwise provided.

Metropolitan Sewerage Loan.

SECTION 7. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding seventy thousand dollars, for a term not exceeding thirty-four years. Said scrip or certificates of debt shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annu-

ally on the first days of March and September in each year. Said interest and scrip or certificates shall be payable, and when due shall be paid, in gold coin or its equivalent. Said scrip or certificates of debt shall be designated on their face, Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein, in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent. per annum, as the treasurer and receiver general with the approval of the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, as amended by chapter three hundred and seven of the acts of the year eighteen hundred and ninety-four, and by chapter two hundred and ninety-four of the acts of the year eighteen hundred and ninety-five.

Metropolitan  
Sewerage Loan.

SECTION 8. The interest and sinking fund requirements of the moneys expended in acquiring the sewer already constructed and in constructing the portion of the sewerage system as provided for in this act, and the cost of maintenance and operation thereof, shall be deemed and paid as a part of the interest, sinking fund requirements and costs specified in section fifteen of said chapter four hundred and thirty-nine, and the sinking fund established under the provisions of said chapters shall be a sinking fund for the extinguishment of the debt authorized by this act, said funds to be increased in the following manner:—The treasurer and receiver general shall from year to year, beginning with the year eighteen hundred and ninety-seven, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity; and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto, one thirty-second part of the whole amount shall be assessed in each of the first four years, beginning with the year eighteen hundred and ninety-seven, one sixtieth part in each of the next ten

Payment of interest and sinking fund requirements, etc.

years, beginning with the year nineteen hundred, one thirtieth part in each of the next ten years, beginning with the year nineteen hundred and ten, and the remainder shall be equally divided in the next ten years, beginning with the year nineteen hundred and twenty. Any premium realized from the sales of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

Town of Lexington to be included in the apportionment of expense.

SECTION 9. The commissioners to be appointed by the supreme judicial court, under the provisions of section fourteen of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, for the purposes specified in said section, and any other commissioners thereafter appointed for said purposes, shall include the town of Lexington among the cities and towns whose proportions are to be determined as provided in said section.

Metropolitan sewerage commissioners to determine each year the amount to be paid by town until apportionment.

SECTION 10. The board of metropolitan sewerage commissioners, until the town of Lexington has been included in a finding of commissioners appointed by the supreme judicial court, shall each year determine the amount to be paid by said town in that year as its fair share of the interest, sinking fund requirements, and cost of maintenance and operation of said north metropolitan sewerage system, and the same shall be certified by the treasurer and receiver general and paid by said town as provided for payments of proportional parts of such interest, sinking fund requirements and costs by the other cities and towns in said district: *provided, however*, that no part of the cost for maintenance shall be assessed upon said town until its sewers are connected with the north metropolitan sewerage system as provided herein.

Proviso.

When to take effect.

SECTION 11. This act shall take effect upon its acceptance by vote of a majority of the legal voters of said town of Lexington present and voting thereon at a legal meeting called for that purpose within one year from the date of its passage.

*Approved June 11, 1897.*

**Chap. 521** AN ACT TO INCREASE THE AMOUNT OF MONEY TO BE PLACED AT THE DISPOSAL OF THE METROPOLITAN PARK COMMISSION FOR THE CONSTRUCTION OF ROADWAYS AND BOULEVARDS.

*Be it enacted, etc., as follows:*

Metropolitan Parks Loan, Series Two.

SECTION 1. The metropolitan park commission, created by chapter four hundred and seven of the acts of

the year eighteen hundred and ninety-three, may, for the purpose of constructing roadways and boulevards under the authority of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four, and of any acts in amendment thereof or in addition thereto, including chapter five hundred and fifty of the acts of the year eighteen hundred and ninety-six, expend the further sum of one million dollars in addition to all sums hitherto authorized to be expended by it, for the purposes of constructing roadways and boulevards within and connecting with said reservations for parks, and for repairing or reconstructing such bridges as may be necessary to connect parts of such roadways or boulevards; and to meet any expenditure under the authority of this act the treasurer and receiver general shall issue a corresponding amount of scrip or certificates of indebtedness or bonds as an addition to the Metropolitan Parks Loan, Series Two. The sinking fund already established by law shall also be maintained for the purpose of extinguishing scrip, certificates or bonds issued under the authority of this act. Any premium realized on the sale of said scrip or certificates or bonds shall be applied to the payment of the interest on the loan hereby authorized, as it accrues. Said scrip or certificates of indebtedness or bonds shall be issued and said sinking fund assessed and collected in accordance with the provisions of said chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four and chapter five hundred and fifty of the acts of the year eighteen hundred and ninety-six.

Metropolitan  
Parks Loan,  
Series Two.

Sinking fund,  
etc.

SECTION 2. All work authorized by this act shall be done in accordance with the provisions of section two of chapter four hundred and eighty-one of the acts of the year eighteen hundred and ninety-six.

Work to be  
done in accordance with 1896,  
481, § 2.

SECTION 3. This act shall take effect upon its passage.

*Approved June 11, 1897.*

AN ACT RELATIVE TO SUITS TO QUIET THE TITLE TO REAL ESTATE.

*Chap. 522*

*Be it enacted, etc., as follows:*

SECTION 1. In any suit in equity brought in the supreme judicial court or in the superior court, under its general equity jurisdiction, in order to quiet or remove clouds from the title to real estate situated within this Commonwealth, in which suit it is sought to determine

Certain persons  
may be made  
parties defendant  
in suits to  
quiet title to  
real estate.

the claims or rights of any person or persons who are unascertained, not in being, unknown, or out of the Commonwealth, such person or persons may be made parties defendant, and if they be unascertained or not in being, or unknown, general words of description, such as the heirs of A. B., or such persons as shall become the heirs or appointees of A. B., a living person, shall suffice.

Notice of suit may be published in certain cases, etc.

SECTION 2. If in any such suit it shall appear that there is, or may be, any person who has been made a party defendant under the preceding section, on whom actual service cannot be or has not been made, the court at the request of the plaintiff may order notice of the suit, in such form as it may direct, to be posted in a conspicuous place on the premises, and may also order a general notice to be published in such newspaper or newspapers within or without the Commonwealth, or both, or in such other manner as the court considers most effectual, and may also, in its discretion, require personal notice to be given to any party who can be reached thereby; and notice given in accordance with this section shall be deemed constructive service on all parties defendant, whether they can be actually served with process or not.

Guardians ad litem or next friends may be appointed.

SECTION 3. If after notice has been given or served as provided in section two, and the time limited in such notice for the appearance of parties defendant has expired, it shall appear to the court that there are or may be parties defendant who have not been actually served with process within the Commonwealth and who have not appeared in the suit, the court may of its own motion or on the representation of any party appoint a suitable person to appear and act as guardian ad litem or next friend of any such party or parties defendant, and if there are or may be any such parties defendant who have conflicting interests the court may appoint different guardians ad litem or next friends to represent them.

Payment, etc., of cost of appearance of guardian ad litem or next friend.

SECTION 4. The cost of appearance of any such guardian ad litem or next friend, including the compensation of his counsel, shall be determined by the court and paid by the plaintiff, and execution against the plaintiff may issue therefor in the name of the guardian ad litem or next friend.

Court may proceed as though all parties defendant had been served with process.

SECTION 5. After all parties defendant have been either served with process or notified as provided in section two, and after the appointment of a guardian ad litem or next friend, if any such appointment shall be



deemed necessary or proper, as provided in section three, the court in which such suit is pending may proceed therein as though all the parties defendant had been actually served with process. Such suit shall be deemed to be a proceeding in rem against the land, and a decree establishing or declaring the validity, nature or extent of the plaintiff's title may be entered, which decree shall operate directly on the land and shall have the force of a release made by or on behalf of all parties defendant of all claims inconsistent with the title established or declared thereby. But nothing herein contained shall prevent the court from also exercising its ordinary jurisdiction in personam against parties defendant who have actually been served with process and who are personally amenable to its decrees.

Suit to be deemed a proceeding in rem against the land, etc.

Court may exercise certain jurisdiction.

*Approved June 11, 1897.*

AN ACT TO PROVIDE FOR A HIGHWAY AROUND THE BACK BAY FENS IN THE CITY OF BOSTON.

*Chap. 523*

*Be it enacted, etc., as follows:*

SECTION 1. The board of street commissioners of the city of Boston, with the approval of the mayor, may lay out under the provisions of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, and acts in amendment thereof or in addition thereto, a highway from such part of Boylston street or road on the easterly side of the Back Bay Fens to such part of Boylston street on the westerly side of said Back Bay Fens over and under said Fens northerly of Boylston road, and any parkway, or other way, and may lay out said highway, and Boylston street from said Fens to Brookline avenue, according to such directions, grades and widths not less than fifty feet in any part, as they shall deem the public convenience may require, and shall not be confined to any plan heretofore filed of the territory in which such ways or any part thereof are situated, and may hereafter establish a new building line on said ways or any part thereof: *provided, however,* that the lines, directions, widths, grades and construction of all parts of said highway lying northerly or easterly of Lansdowne street, so-called, and of any bridges over, or forming a part of said highway, shall be subject to the approval of the board of park commissioners and the mayor of said city.

Street commissioners of Boston may lay out a highway around the Back Bay Fens, etc.

*Proviso.*

Construction of  
highway, etc.

SECTION 2. Upon the passage of said order the superintendent of streets of said city shall proceed to construct said highway under the provisions of said acts and the other acts relating to the construction of ways laid out under the orders of said board of street commissioners, and shall construct any bridge that may be required for a parkway or other public way over said highway.

Payment of ex-  
penses, etc.

SECTION 3. The expenses incurred in carrying out the provisions of the preceding sections shall be paid from the proceeds of the bonds authorized to be issued by chapter three hundred and nineteen of the acts of the year eighteen hundred and ninety-seven, and so much of the assessable cost of the part of said highway that lies south of the southerly side of Lansdowne street, so-called, as said board of street commissioners shall determine, and said mayor shall approve, shall be repaid to the city by the owners only of the estates abutting on said part, as provided in said chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment thereof and in addition thereto; and so much of the assessable cost of the part of said highway that lies east of said Fens as said board shall determine, and said mayor shall approve, shall be repaid to the city by the owners only of the estates abutting on said part, as provided in said acts, and the remainder of the cost of said highway and bridges shall be assumed by said city, and no part of said remainder shall be assessed upon abutting or other estates.

Location, con-  
struction, etc.,  
of railroad of  
West End  
Street Railway  
Company.

SECTION 4. The West End Street Railway Company, when said highway shall be ready for the laying of its tracks therein, shall have a location therein subject to revocation in the same manner as the other locations of said company in said city, and shall construct and operate its railroad by electricity from a junction with its other tracks on Massachusetts avenue or Boylston street, across Massachusetts avenue, to and upon said Boylston street, to and upon said highway, to and upon said Boylston street, to and upon Brookline avenue, to a junction with the tracks heretofore constructed by said company upon said avenue; and shall place its tracks, turn-outs, switches and other structures in said street, highway and avenues, in such places, in such manner and of such construction as said board of park commissioners and mayor shall approve.

SECTION 5. Said board of street commissioners, with the approval of the mayor, within six months after the passage of this act may, on the plan of the territory between said Fens, said Brookline avenue and the Boston and Albany railroad, made by Pierre Humbert, Junior, and filed in the office of the city surveyor or city engineer of said city, make such changes in the lines, directions, widths, grades and building lines of any streets shown thereon, where they connect with Boylston road or Audubon road as they may deem necessary; and may make such changes in the lines, directions, widths, grades and building lines, or discontinue any building line, or any part of any street leading northwesterly from either of said roads, as they deem necessary; and the plan as so changed shall have the same effect and consideration as before the changes were made.

Street commissioners may make changes in building lines, grades, etc., of certain streets.

SECTION 6. This act shall take effect upon its passage.

*Approved June 11, 1897.*

AN ACT RELATIVE TO THE PROTECTION OF CERTAIN BIRDS.

*Chap. 524*

*Be it enacted, etc., as follows:*

Whoever has in his possession the body or feathers of any bird whose taking or killing is prohibited by section four of chapter two hundred and seventy-six of the acts of the year eighteen hundred and eighty-six, or wears such feathers for the purpose of dress or ornament, shall be punished as provided in said section: *provided*, that this act shall not be construed to prohibit persons having the certificate provided for in said section from taking or killing such birds; and *provided, further*, that this act shall not apply to natural history associations or to the proprietors of museums, or other collections for scientific purposes.

Penalty for having in possession body or feathers of certain birds.

Proviso.

*Approved June 11, 1897.*

AN ACT RELATIVE TO ACTIONS FOR LIBEL.

*Chap. 525*

*Be it enacted, etc., as follows:*

SECTION 1. In any action for libel the defendant, after notice in writing given to the plaintiff or to his attorney, at any time before the answer is required to be filed therein, of his intention to publish a retraction of such libel, accompanied by a copy of the retraction which he is prepared to publish, may give in evidence in mitigation of damages that he so published such retraction; or if upon such notice the plaintiff does not accept the offer so

Publication, etc., of retractions may be given in evidence, etc.

to publish such retraction, the defendant may give in evidence in mitigation of damages that he offered to publish such retraction and that said offer was not accepted, and that the alleged libel was published in good faith and without actual malice; and unless the plaintiff prove actual malice or want of good faith, or a failure either to retract or offer to retract as aforesaid, he shall recover only compensation for the actual injury sustained; and in no action of libel shall exemplary or punitive damages be allowed.

Defendant may allege that plaintiff has already recovered damages, etc.

SECTION 2. In any civil action for libel the defendant may allege and prove, in mitigation of damages, that the plaintiff has already recovered damages for, or has received or has agreed to receive compensation in respect of, substantially the same libel as that for which such action was brought.

Two or more civil actions may be tried together, etc.

SECTION 3. Whenever two or more civil actions are pending, whether in the same or different counties of this Commonwealth, brought by the same plaintiff for substantially the same libel, any justice of the court in which such actions are pending may in his discretion make an order that any or all of them be tried together. If they are so tried the court shall, if the actions are tried without a jury, or the jury shall, if the actions are tried by a jury, find a separate verdict in each action, and judgment shall be rendered in each as if the actions had been tried separately; and in the event of judgment in favor of the plaintiff in more than one action the court shall make such order for the apportionment of costs between the defendants in such actions as may be just and reasonable.

Repeal.

SECTION 4. Chapter four hundred and forty-one of the acts of the year eighteen hundred and ninety-five is hereby repealed, but this repeal shall in no wise affect pending actions.

SECTION 5. This act shall take effect upon its passage.

*Approved June 11, 1897.*

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**Chap. 526** AN ACT RELATIVE TO THE MASSACHUSETTS MARITIME CANAL COMPANY.

*Be it enacted, etc., as follows:*

1896, 542, revived and continued in force.

SECTION 1. Chapter five hundred and forty-two of the acts of the year eighteen hundred and ninety-six entitled, "An Act to incorporate the Massachusetts Maritime Canal Company", is hereby revived and continued in force.

SECTION 2. The time within which said canal company was required by section twenty-three of said chapter five hundred and forty-two to deposit with the treasurer of the Commonwealth the sum of two hundred thousand dollars in cash or United States bonds, is hereby extended until four months from the passage of this act: *provided, however,* that this act and said chapter five hundred and forty-two shall become null and void unless such deposit is made within the time herein limited.

Time for making deposit extended.

Proviso.

SECTION 3. The time within which said company was required by section four of said chapter five hundred and forty-two to file its location, and the time within which said company was required by section six of said chapter five hundred and forty-two to make its application to the joint board of railroad commissioners and of harbor and land commissioners to determine at what point or points the railroad of the Old Colony Railroad Company or of the New York, New Haven and Hartford Railroad Company shall cross its canal, and the time within which the said company was required by section twenty-two of said chapter five hundred and forty-two to commence the construction of its canal, are hereby extended to and until ninety days after the deposit referred to in section two of this act shall have been made.

Time for filing location, etc., extended.

SECTION 4. Subject to the conditions prescribed by section two of this act all the rights, privileges, powers and franchises originally possessed and enjoyed by said company shall continue and be enjoyed by it, and all acts done or attempted to be done by it are hereby confirmed and made valid, in the same manner and to the same extent as if the said company had complied with the provisions of sections four, six, twenty-two and twenty-three of said chapter five hundred and forty-two within the times therein respectively stated and limited; and the said company shall, except as herein provided, be subject to all the duties, requirements and obligations imposed by said act of incorporation.

Company to continue to enjoy certain rights, privileges, etc.

SECTION 5. This act shall take effect upon its passage.

*Approved June 11, 1897.*

AN ACT TO INCORPORATE THE BOSTON, QUINCY AND FALL RIVER BICYCLE RAILWAY COMPANY.

*Chap. 527*

*Be it enacted, etc., as follows:*

SECTION 1. James F. Shaw, Albert H. Overman, Robert Evans, Oliver O. Howard, Francis W. Breed,

Boston, Quincy and Fall River Bicycle Railway

Company in-  
corporated.

To construct,  
etc., an elevated  
and surface  
bicycle railway,  
etc.

Capital stock.

May issue  
bonds, etc.

Issue of stock  
and bonds to be  
approved by  
railroad com-  
missioners, etc.

Augustus G. Perkins, E. Moody Boynton, L. Edwin Dudley and Edward A. Perkins, their associates and successors, are hereby made a corporation under the name of the Boston, Quincy and Fall River Bicycle Railway Company, to construct and operate an elevated and surface bicycle railway for the carriage of passengers but not freight, other than baggage of passengers and United States mails, under the bicycle railroad patents granted to said E. Moody Boynton, beginning at the corner of Dudley street and Harrison avenue in the city of Boston; thence to Warren street; thence upon and over Warren street to Blue Hill avenue; thence upon and over Blue Hill avenue to Geneva avenue; thence upon and over Geneva avenue, across Dorchester avenue to Gibson street; thence along and over Gibson street to Adams street; thence along and over Adams street and Neponset avenue to the Quincy line, then passing through the city of Quincy, the towns of Braintree and Holbrook, the city of Brockton, the towns of Easton and Bridgewater, and the city of Taunton, to any part of Fall River. The above route may be located in any city or town through which it passes, as the mayor and aldermen of the cities, and as the selectmen of the towns, may determine. The capital stock of said corporation shall be not more than five million dollars, divided into shares of one hundred dollars each.

SECTION 2. Said company, for the purpose of procuring and constructing its railway and its extensions, branches, sidings, rails, terminals, yards, stations and other structures, and for procuring engines, cars and other equipment, may issue, to an amount not exceeding the amount of its capital stock actually paid in, negotiable bonds, registered or coupon, payable in not more than fifty years from the date of issue, and bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually, as determined by its directors. No stock or bonds shall be issued or otherwise disposed of at less than the par value thereof. Only such amounts of capital stock and bonds shall be issued as may, from time to time, upon investigation by the board of railroad commissioners, be deemed and be voted by them to be reasonably requisite for the purposes for which such issue of stock or bonds has been authorized. The vote of the board approving such issue shall specify the respective amounts of stock

and bonds authorized to be issued and the purposes to which the proceeds thereof are to be applied. A certificate setting forth the vote of the board shall, within three days after said vote, be filed in the office of the secretary of the Commonwealth before the certificates of stock or bonds are issued, and said company shall not apply the proceeds of such stock or bonds to any purposes not specified in the vote of the board, and the application of the proceeds of such stock or bonds contrary to the provisions of law shall be punished in the same manner provided by law for the unlawful issue of stock and bonds by railway or railroad companies. Any such decision and vote of the board of railroad commissioners shall be filed in writing in the office of said board within seven days after the rendering thereof, and shall assign in writing the reasons for the decision. Said company may increase its capital stock, subject to all general laws relating to street railways and steam railroads applicable thereto.

SECTION 3. Said company may secure said bonds by mortgage of its property and franchises, and in such mortgage may include property to be thereafter acquired, and the right to sell or dispose of any personal property covered by said mortgage which may become worn or otherwise unfit for use, provided an equivalent in value is substituted therefor.

Bonds may be secured by mortgage, etc.

SECTION 4. Said company may build its railway in any city or town aforesaid, along and above such streets as the mayor and aldermen of the city or the selectmen of the town shall grant, or through and upon private lands, and the elevated structure of said railway shall be subject to the approval of the board of railroad commissioners as to its strength and its height above any public way across or along which it shall be built. The mayor and aldermen of any city or selectmen of any town shall, within sixty days after application for a location has been filed, make a location that will give a reasonably direct route between Boston and Fall River. Whenever said company shall make any excavations in or near any public highway, or shall set any foundation, pier or post in or near the same, the surface of the street, sidewalk or other ground shall be restored as soon as practicable to the condition, as near as may be, in which it was before the excavation was made; and any interference which shall be made with or change in water or gas mains, or pipes,

Locations, etc.

Payment of expense of widening, strengthening, etc., any bridge or rebuilding any highway, etc.

Enforcement of provisions.

Company to maintain and operate railway by electricity, etc.

May take certain lands, etc.

sewers, drains or other subterranean works, shall be upon condition that the same shall be immediately restored to a serviceable condition, as good as before such change or interference, and at the sole cost and expense of said company. If, in the opinion of the mayor and aldermen of any city or the selectmen of any town named in this act, the widening, strengthening or rebuilding of any bridge or the rebuilding of any street or highway in said city or town is at any time rendered necessary by reason of the location, construction or operation of said railway upon said street, highway or bridge, the entire cost and expense of such widening, strengthening or rebuilding shall be borne by said corporation; and said corporation shall, within thirty days after written notice of such necessity from said mayor and aldermen or selectmen, deposit with the treasurer of the Commonwealth a sum which, in the opinion of the mayor and aldermen or said selectmen, shall be reasonably sufficient to cover said expense, and until such sum has been so deposited all further use by said corporation, or those claiming by, through or under it, of said bridge, street or highway shall cease. The supreme judicial court or the superior court sitting in equity may summarily enforce the provisions of this section by injunction or other appropriate remedies.

SECTION 5. Said company shall maintain and operate said railway by electricity, and, with the consent of the authorities of the cities and towns through which said railway passes, may make such underground alterations in such streets and highways as may be necessary to establish and maintain said railway. Said company shall not construct or operate its railway at grade across any railroad or highway. No location shall be granted longitudinally along and over lands owned or occupied by any railroad corporation without the consent of the directors of such railroad corporation. If said company crosses any railway or railroad location, highway, street or public place, the elevated structure of said railway shall be subject to the approval of the board of railroad commissioners as to its breadth, strength and height above any such railway or railroad location, highway, street or public place. The fare of said railway shall not exceed five cents within the limits of any city or town.

SECTION 6. Said company and any officer, person or corporation, for the purpose of carrying out the provi-



slons of this act, may enter into and upon any lands, and make surveys and examinations, and place and maintain marks thereon, and may do all other acts thereon incidental to such surveys, examinations, and placing and maintaining marks, and may take by purchase or otherwise such lands, to the same extent and in the same manner and subject to the same conditions and restrictions provided by chapter one hundred and twelve of the Public Statutes and of the acts in amendment thereof and in addition thereto, excepting parks and other public property, as it may deem necessary for its railway, its extensions, branches, sidings, terminals, yards, stations and other structures, and all lands thus taken, together with the structures erected thereon, shall be the property of said company: *provided, however*, that the location of said railway outside of public streets and highways shall not exceed fifty feet in width, except for the purposes of stations; *provided, further*, that no present location or land of any railroad corporation shall be taken otherwise than by purchase.

May take certain lands, etc.

Provisos.

SECTION 7. Said company shall pay all damages sustained by any person in his property by reason of any taking or other act done under the provisions of section six of this act, and if any such person cannot agree with said company as to his damages, the same may be determined by a jury in the superior court for the county where the property is, in the manner and subject to the rules of law provided for the determining of damages for taking land in laying out railroads, on petition of said company or of said person therefor filed in the clerk's office of said court, within three years after such taking or the building of such structure, and judgment shall be entered upon said determination and costs shall be taxed and execution issued in favor of the prevailing party as in civil cases.

Damages.

SECTION 8. Said company shall upon the filing of any such petition, when required thereto by any justice of the superior court, on application of the person whose land is taken, give security to the satisfaction of said justice for the payment of all damages and costs which may be awarded by a jury on said petition, and if upon said application and notice to said company the security appears to said judge to have become insufficient, said company and any person or corporation claiming by, through or under it, shall give further security to the satisfaction of

Security for payment of damages may be required in certain cases.

said justice, and all the right and authority of said company to enter upon or use the land or other property except for making surveys, shall upon such application be suspended until the security so required is given.

Location, construction, etc., to be an additional servitude, etc.

SECTION 9. The location, construction, maintenance or operation of said lines of railway in any public or private way shall be deemed an additional servitude, and entitle lessees, mortgagees and other parties having an estate in such way or in premises which abut thereon, and who are damaged by reason of the location, construction, maintenance and operation of said lines of railway, to recover reasonable compensation in the manner herein provided. Any such person may at any time within three years after the construction of such railway upon or in front of his premises, file, in the clerk's office of the superior court for the county where his said premises lie, a petition, setting forth his claim and the amount thereof against said corporation. He shall give to said corporation fourteen days' notice of the filing of such petition, and answer thereto shall be filed by said corporation within thirty days after the return day of such notice. Any such petition shall be heard by a jury, if either party claims such right at the time of filing the petition or within ten days after filing the answer thereto; otherwise they shall be determined by the court without a jury.

Proceedings relative to damages.

SECTION 10. The findings shall be on the following questions, to wit:—First. Has the petitioner's estate been damaged more than it has been benefited or improved in value by reason of the location, construction, maintenance or operation of such railway? Second. If so, how much? If the answer to the first question shall be "No", a verdict shall be rendered for the corporation; otherwise a verdict shall be rendered for the petitioner for the amount found in answer to said second question, including interest from the day of filing of the petition.

Payment of damages.

SECTION 11. Said corporation shall, upon the entry of judgment pursuant to findings upon the foregoing provisions of section twelve, pay or tender to the judgment creditor the amount of said judgment with costs. If such payment or tender shall not be made within thirty days after the entry of such judgment the court in which the same has been entered shall issue its execution to compel the payment thereof.

Enforcement of provisions, etc.

SECTION 12. The supreme judicial court and any justice

thereof, and the superior court and any justice thereof, shall have jurisdiction in equity, on petition of any party interested, to compel compliance with the provisions of this act, and to enforce any order made under the authority of this act, and to prevent violation of any of the provisions hereof.

SECTION 13. Said company may make contracts with any person or corporation authorized to produce or manufacture electricity for any purpose, for supplying electricity for the motive power of said railway and for other uses, and such person or corporation is hereby authorized to enter into contracts for so supplying electricity. Said company may lease the property and rights of any corporation operating a street railway in any city or town in which the railway of said company may be built, provided that said lease is approved by three fourths in interest of the stockholders of said corporation and by the board of railroad commissioners. If over any part of the route there is a structure built, or proposed to be built, for the use of cars made under the patents known as the Boynton bicycle company patents, said company may unite with any proposed or existing corporation owning the same in joint building or use of said structure.

May contract for electricity, lease property, etc., of other corporations, etc.

SECTION 14. The board of railroad commissioners may order the temporary removal of any surface tracks in or on any way or place through or over which said railway, its branches and extensions, terminals and other structures are to be built, and may order the relocation of any tracks, conduits, pipes, wires or poles in any such way or place of any person or corporation which it deems to interfere with the construction or operation of said railway, its branches or extensions, and the person or corporation owning said tracks, wires or other property shall comply with said orders. Any person or corporation using or authorized by law to use wires along the route of said railway may affix them to the elevated structures of said company on such terms as said board may approve. Any expenses attending any removal, relocation or attachment aforesaid shall be apportioned by said board of railroad commissioners as it deems just and equitable.

Railroad commissioners may order temporary removal and relocation of certain tracks, conduits, etc.

SECTION 15. Said company shall, in so far as it operates in streets, be deemed a street railway company, and all general laws relating to railroad and street railway corporations, so far as applicable, shall apply to said company.

To be deemed a street railway company.

Twenty miles  
of railway to be  
built within two  
years, etc.

SECTION 16. All rights and privileges granted under this act for the purpose of building a railway between Boston and Fall River shall be forfeited if twenty miles of said railway are not built within two years from the passage of this act. At the expiration of said two years if twenty miles of said railway have been built and operated, then all rights and privileges under this act shall extend for two years further as to the remainder of the route between Boston and Fall River.

Conditions upon  
which corpora-  
tion may pro-  
ceed to locate  
and construct  
its railway, etc.

SECTION 17. When it is shown to the satisfaction of the board of railroad commissioners that a sum sufficient in its judgment to pay all damages, immediate or consequential, that may be occasioned by laying out, making and maintaining the railway, or by taking any land or materials therefor, has in good faith been paid in cash to the treasurer, and when said board is satisfied, by a bond or such other assurance of good faith in the premises as it may deem necessary and require, that said sum will remain in the hands of said treasurer until it is drawn out for the lawful expenditure of the corporation, the clerk of the board, upon its order, shall so certify to the secretary of the Commonwealth that such requirements appear to have been complied with, and thereupon, but not before, the said corporation may proceed to locate and construct its said railway. It shall have the same rights and powers and be subject to the same duties, restrictions, conditions and liabilities in regard to the location and construction of its railway as are contained in the Public Statutes, chapter one hundred and twelve, sections eighty-five to one hundred and forty-two, and acts in addition thereto and amendatory thereof relating to railroad corporations. And for the purpose of fixing and locating and constructing its road said corporation shall be deemed a railroad corporation. But said elevated railway may be located and built in any city or town aforesaid, along and above such streets as the mayor and aldermen of the city or the selectmen of the town shall approve, subject to such restrictions and conditions as the said mayor and aldermen or selectmen may impose, and locations in streets shall be subject to the provisions of sections twenty-three to twenty-six of chapter one hundred and thirteen of the Public Statutes.

SECTION 18. This act shall take effect upon its passage.

*Approved June 11, 1897.*

AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR EXPENSES AUTHORIZED THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW. *Chap. 528*

*Be it enacted, etc., as follows :*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit : —

For expenses in connection with the examination of certain cattle for the purpose of determining the effectiveness of the tuberculin test, as authorized by chapter sixty-one of the resolves of the present year, a sum not exceeding one thousand dollars, the same to be in addition to the amount heretofore authorized for the same purpose.

Examination of certain cattle.

For the publication of Bradford's manuscript history of the Plymouth Plantation, and of the report of the proceedings of the joint convention of the senate and house of representatives on the occasion of the presentation of said manuscript to the governor and the Commonwealth, as authorized by chapter ninety-one of the resolves of the present year, a sum not exceeding two thousand dollars.

Publication of Bradford's manuscript history of the Plymouth Plantation, etc.

For the erection of new buildings at the Westborough insane hospital, as authorized by chapter ninety-two of the resolves of the present year, a sum not exceeding fifty thousand dollars.

Westborough insane hospital.

For the town of Nantucket, as authorized by chapter ninety-three of the resolves of the present year, the sum of forty-four dollars and ten cents.

Town of Nantucket.

For printing five thousand copies of the report of the joint special committee appointed to make an investigation as to certain cattle at Lowell and Dracut, as authorized by chapter ninety-four of the resolves of the present year, a sum not exceeding four hundred dollars.

Report of committee as to certain cattle at Lowell and Dracut.

For printing two thousand additional copies of the report of the Massachusetts highway commission, as authorized by chapter ninety-five of the resolves of the present year, a sum not exceeding seven hundred and fifty dollars.

Report of highway commission.

For Dexter Gigger, as authorized by chapter ninety-six of the resolves of the present year, the sum of two hundred and fifty dollars.

Dexter Gigger.

Elbridge  
Gigger.

For Elbridge Gigger, as authorized by chapter ninety-six of the resolves of the present year, the sum of two hundred and fifty dollars.

Committee to  
investigate rela-  
tions between  
street railway  
companies and  
municipal cor-  
porations.

For salaries and expenses of the committee to be appointed to investigate the subject of the relations between street railway companies and municipal corporations, as authorized by chapter five hundred and nine of the acts of the present year, a sum not exceeding eleven thousand dollars.

Committee to  
draft an act  
embodying  
principles of  
Torrens system  
of land transfer.

For services and expenses of a committee to be appointed to draft an act embodying the principles of the Torrens system of land transfer, as authorized by chapter five hundred and eleven of the acts of the present year, a sum not exceeding three thousand dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1897.*

### Chap. 529

AN ACT TO REPEAL CHAPTER THREE HUNDRED AND EIGHTY-SEVEN OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND NINETY-SEVEN, RELATIVE TO THE JURISDICTION OF MUNICIPAL, POLICE AND DISTRICT COURTS AND TRIAL JUSTICES IN CERTAIN CRIMINAL CASES.

*Be it enacted, etc., as follows :*

1897, 887, re-  
pealed.

SECTION 1. Chapter three hundred and eighty-seven of the acts of the year eighteen hundred and ninety-seven, being, "An Act relative to the jurisdiction of municipal, police and district courts and trial justices in certain criminal cases", is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

*Approved June 11, 1897.*

### Chap. 530

AN ACT RELATIVE TO CAUCUSES AND ELECTIONS.

*Be it enacted, etc., as follows :*

Term caucus  
defined.

SECTION 1. The term "caucus" used in this act shall apply only to a political party which at the preceding annual state election polled for governor at least three per cent. of the entire vote cast in the state for that office.

Sessions of  
registrars of  
voters, etc.

SECTION 2. The registrars of voters in every city and town and, in the city of Boston, the board of election commissioners, shall hold at least one session at some suitable and convenient place in such city or town on or before the Saturday next preceding the first caucus preced-

ing the annual state election, and shall give an opportunity to qualified voters to register.

SECTION 3. Section one hundred and seventy-five of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended so as to read as follows: — *Section 175.* The city clerk of a city, and in Boston the board of election commissioners, may, after a voting list has been used in any voting precinct and transmitted to him or to said commissioners in accordance with the preceding section, unseal and open the envelope containing such voting list and may make a copy of the list as checked, upon written application therefor, signed by not less than ten legal voters in the ward of which such precinct forms a part. In Boston such copies shall be made upon the lists prepared for public distribution, from which all information except the name and residence of the voter has been eliminated. In like manner the town clerk of a town may, after any such voting list has been used in such town or in any voting precinct thereof, unseal and open the envelope containing such list and may make a copy thereof upon written application therefor signed by not less than ten legal voters of such town. Immediately after any such voting list has been so copied, the city or town clerk or commissioners, as the case may be, shall again enclose the list in an envelope and seal the same, and shall certify on the envelope to the identity and original condition of such lists.

1893, 417, § 175, amended.

Voting lists, copies may be furnished.

Voting lists to be again sealed, certified, etc.

SECTION 4. Section eighteen of chapter five hundred and seven of the acts of the year eighteen hundred and ninety-five is hereby amended so as to read as follows: — *Section 18.* No names shall be printed on a ballot other than those which have been duly presented on nomination papers.

1895, 507, § 18, amended.

Names to be printed on ballot.

Immediately following the names of candidates blank spaces for the insertion in writing of other names equal to the number of persons to be chosen shall be provided.

Blank spaces to be provided.

Upon the ballot shall be stated the number of persons to be voted for for the different positions to be filled.

Ballot to state number to be voted for.

A star (\*) against a name shall indicate that a person is a candidate for re-election.

A star to indicate a candidate for re-election.

A cross (X) marked against a name shall constitute a vote for the person so designated; but if a voter marks a cross against more names than there are persons to be

A cross constitutes a vote, etc.

elected to an office, his vote for that office shall not be counted. The form of ballots and the arrangement of printed matter thereon shall be in general that observed in ballots provided by the state at elections, except as herein otherwise provided.

A cross in a circle at the head of a delegation to count as a vote for the entire group.

A voter who desires to vote for an entire group of candidates for delegates to a convention shall mark a cross in a circle which shall be provided for the same at the head of each delegation, and such cross shall count as a vote for each candidate in such group.

To vote for one or more candidates in a group, etc.

A voter may vote for one or more candidates in any such group by marking a cross in the space at the right of the name of each candidate for whom he wishes to vote ; and if he wishes to vote for a person whose name is not in the group he may insert such name in one of the blank spaces at the end of such groups and mark a cross in the square at the right of such name. If a voter votes for more candidates than the number of delegates to be elected his vote shall not be counted.

1895, 489, § 14, amended.

Additional caucus officers may be provided.

SECTION 5. Section fourteen of chapter four hundred and eighty-nine of the acts of the year eighteen hundred and ninety-five is hereby amended so as to read as follows : — *Section 14.* If within three days next preceding a caucus of a political party in the city of Boston fifty voters entitled to take part in said caucus petition the board of election commissioners of the city of Boston for additional caucus officers, the said board of election commissioners shall provide additional officers for said caucus in the following manner : — Every elective candidate and every person filing a nomination paper for a delegation may present to the said board of election commissioners the names of not exceeding four persons. From these names the board of election commissioners shall, in the presence of those presenting said names, draw the names of five persons who shall be admitted behind the guard rail during the progress of said caucus, who shall be authorized to supervise the checking of names and the conduct of the caucus in general, and who may also witness the count at the close of the caucus. The person or persons receiving the highest number of votes in a caucus shall be deemed and declared to be elected or nominated. In case of a tie vote for delegates to a convention, or in case of a place being unfilled in a delegation, or in case of a vacancy occasioned by inability or neglect of a delegate

Persons deemed to be elected.

Vacancy.



elected to attend a convention, such vacancies shall be filled only by vote of the remaining members of the delegation at a meeting duly called for the purpose. Such meeting shall choose a chairman and secretary, and the secretary shall notify the secretary of the convention of the action of the meeting so far as it relates to a vacancy. In case of a tie vote for members of a town or ward committee, or for caucus officers, the members duly elected shall fill the vacancy or vacancies. In case a majority of a delegation, or ward or town committee or caucus officers are not elected, or in case of a tie vote for candidates for an elective office, the caucus shall at once proceed to another ballot, unless some one present entitled to vote objects; in case objection is made the caucus shall adjourn until the following or other subsequent day. The hour and place shall, if practicable, be the same as that named in the original call.

Tie vote.

Proceedings in case of failure to elect.

SECTION 6. Any town which accepts the provisions of this section or has heretofore accepted the provisions of section one hundred and one of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three, and which at a town meeting votes to reject or has voted to reject any division of the town into new precincts as made by the selectmen and reported to the town, may at any time thereafter by vote direct the selectmen thereof to arrange within such time as said town may decide, another division of said town into precincts. Such vote of direction to make another division of said town into precincts may be made as often as any arrangement made by the selectmen is rejected by said town. Any town which has accepted the provisions of this section may by vote at a meeting duly called for the purpose revoke such acceptance.

Voting precincts in towns.

SECTION 7. Section one hundred and seventy of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended so as to read as follows:—*Section 170.* If in any state or city election, or town election in which ballots are provided at the expense of the town, the right of a person offering to vote is challenged for any cause recognized by law, he shall not be permitted to vote until he has taken the following oath administered by the presiding officer: You do solemnly swear (or affirm) that you are the identical person whom you represent yourself to be and

1893, 417, § 170, amended.

Proceedings when vote is challenged.

Certain ballots not to be received.

Statements not to be made regarding challenged votes.

Certain votes to be rejected.

Record to be made of name, etc., of person challenged.

1895, 489, § 6, amended.

Committees may make rules and regulations, etc.

1895, 489, § 7, amended.

Notices to apply only to members of party whose caucuses are to be held, etc.

who is registered in this ward (if in a city) or town (if in a town) and that you have not voted at this election. The presiding officer shall also require the name and residence of the person so offering to vote to be written by himself or by some one in his behalf on the outside of the ballot so offered, and the presiding officer shall add thereto the name of the person so challenging and the assigned cause for which the challenge is made, before such ballot shall be received; but nothing in this section shall be construed as permitting election officers to receive any ballot which by law they are required to refuse. No election officer, otherwise than as above required or permitted, and no person other than an election officer shall make any statement or give any information in regard to a ballot cast by a voter so challenged at any such election, except as required by law.

SECTION 8. If any person shall refuse to take the oath herein required his vote shall be rejected.

SECTION 9. The clerk shall make a record of the name and residence of every person who has been challenged and voted.

SECTION 10. Section six of chapter four hundred and eighty-nine of the acts of the year eighteen hundred and ninety-five is hereby amended so as to read as follows: —

*Section 6.* Any state, city or town committee may make such rules and regulations for its conduct as are not inconsistent with the provisions of law. And any state, city or town committee authorized by this act to call caucuses for the choice of delegates to political conventions may make rules and regulations relative to such caucuses, not inconsistent with the provisions of law. Committees existing at the time this act takes effect, and committees of any party existing at the time when such party at an annual state election has polled for governor three per cent. of the entire vote cast in the state for that office, shall be deemed to be organized under its provisions.

SECTION 11. Section seven of chapter four hundred and eighty-nine of the acts of the year eighteen hundred and ninety-five is hereby amended so as to read as follows: — *Section 7.* All notices for holding caucuses shall apply to all members of the political party whose caucuses are to be held, and to them only. No person having voted in the caucus of one political party shall be entitled to vote or take part in the caucus of another

political party in the same calendar year. Each town or city committee may make reasonable regulations, not inconsistent with the provisions of law, to determine membership in the party, and to restrain others than those who are entitled to vote at the caucus from attendance thereat or taking part therein. But no political committee of any party shall deprive any voter from taking part in a caucus of said party on the ground that the voter had supported an independent candidate for political office: *provided, however,* that no political committee or chairman, warden or caucus officers shall deprive any registered voter from voting or taking part in any caucus if such voter will take the following oath which shall be administered to him by the presiding officer of the caucus on the request of said voter, and the presiding officer of any caucus is hereby authorized and empowered to administer such oath: You do solemnly swear (or affirm) that you are a registered voter in this ward or town and have the legal right to vote in this caucus; that you are a member of the political party holding the same, and intend to support its candidates at the polls at the election next ensuing; and that you have not taken part or voted in the caucus of any other political party for twelve months last past. So help you God (or this you do under the pains and penalties of perjury). Such voter shall nevertheless be subject to challenge the same as any other voter.

SECTION 12. Section four of chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-six is hereby amended so as to read as follows:—

*Section 4.* If before five o'clock in the afternoon of the second day next succeeding the day of any caucus held in said city under the provisions of the acts relating to the holding of caucuses in said city, ten or more qualified voters of any ward in said city shall sign, adding thereto their respective residences on the first day of May of that year, swear to and file with the board of election commissioners, a statement that they have reason to believe that the records and returns made by the caucus officers of such ward are erroneous, and shall specify wherein they deem they are in error, or that challenged votes were cast by persons having no right to vote therein, said board of election commissioners shall as soon as may be after the filing of such statement open the package or packages

Proviso.

1896, 435, § 4.  
amended.

Recount of ballots, etc.

containing the ballots cast and voting lists used at such caucus and recount said ballots and determine the questions raised, and shall also determine whether or not any challenged vote cast at such caucus was cast by a person not entitled to vote therein, and if they find that such challenged vote was cast by a person not entitled to vote in such caucus they shall reject such vote and shall not count it; and such recount shall stand as the true result of the vote cast in such caucus. Each candidate interested may appear and be present during such recount, either in person or by an agent appointed by him in writing.

1896, 507, § 5,  
amended.

Seven days' notice to be given by city and town committees.

Polling places, etc., to be provided.

Notices to be published.

SECTION 13. Section five of chapter five hundred and seven of the acts of the year eighteen hundred and ninety-five is hereby amended so as to read as follows: — *Section 5.* At least seven days prior to the day named for a caucus, as hereinbefore provided, the city or town committee shall issue a notice that such caucus will be held, stating the place, the day and the hour of holding the same. The hour shall not be earlier than two o'clock in the afternoon, nor later than half-past seven o'clock in the evening, as the city or town committee shall determine. At least two weeks prior to the date on which a caucus is to be held the chairman or secretary of the city or town committee shall notify the board of aldermen in a city or the selectmen in a town of such date, and the said aldermen or selectmen shall, at least ten days prior to the date on which the caucus is to be held, notify the city or town committee of the places selected for holding the caucuses; and said aldermen or selectmen shall, at the expense of the city or town, provide polling places, and in case of a city, not less than one for each ward, and shall prepare the same with booths, registering ballot boxes, guard rails and the like, in the same manner in which they are arranged for state elections. Whenever twenty-five voters of a political party of a ward or of a town shall so request in writing at least twelve days prior to any caucus of such political party, the aldermen or selectmen shall, for the purpose of expediting the process of voting and of promoting the convenience of the voters, prepare and arrange the polling place of such ward or town so as to allow voting to proceed in two or more lines at such caucus. All notices for caucuses in such cities or towns and all notices relative to the filing of nomination papers shall be published not less than twice in one or more local news-

papers if there are any such newspapers in such cities or towns.

SECTION 14. Whoever violates any of the provisions of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three, for which violation a punishment by imprisonment or by fine and imprisonment are now provided, shall hereafter be punished by such imprisonment only.

Penalty for violation of certain provisions of 1893, 417.

SECTION 15. Whoever falsely makes or wilfully defaces, mutilates, destroys or suppresses any certificate of nomination or nomination paper, or letter of withdrawal of a name from such paper; or unlawfully signs any such certificate or paper; or files any such certificate, paper, or letter, knowing the same or a part thereof to be falsely made, shall be punished by imprisonment in jail not exceeding one year.

Penalty for destroying or suppressing a certificate of nomination or nomination paper, etc.

SECTION 16. Whoever at a caucus votes or attempts to vote, knowing he is not entitled to so vote, or votes or attempts to vote upon any name other than his own, or more than once on his own name, or casts or attempts to cast more than one ballot, or places any distinguishing mark upon a ballot, or makes a false statement as to his ability to mark his ballot, or unlawfully allows the marking of his ballot to be seen by any person, or gives a false answer to, or makes a false oath before, a presiding officer, shall be punished by imprisonment in jail not exceeding six months.

Penalty for illegal voting or attempting to vote, etc.

SECTION 17. Whoever aids or abets a person not entitled to vote at a caucus in voting or attempting to vote at such caucus, or aids or abets a person in voting or attempting to vote under a name other than his own, or aids or abets a person in depositing or attempting to deposit at a caucus more than one ballot, or wilfully and without lawful authority hinders, delays or interferes with, or aids in hindering, delaying or interfering with, a voter when on his way to a caucus, or when marking his ballot, or when voting or attempting to vote, or endeavors to induce a voter to show how his ballot is marked, shall be punished by imprisonment in jail not exceeding one year.

Penalty for aiding or abetting in illegal voting, etc.

SECTION 18. Whoever alters a ballot cast at a caucus or, not being authorized thereto, deposits a ballot in a ballot box or envelope used at a caucus, or removes a ballot from such ballot box or envelope, shall be punished by imprisonment in jail not exceeding three years.

Penalty for altering or removing ballots, etc.

Penalty on public officer, caucus or election officer, etc.

**SECTION 19.** Any public officer, caucus or election officer, or officer or member of a political committee or political convention whatsoever, upon whom a duty is imposed by the provisions of law, who refuses or wilfully neglects or wilfully fails to perform such duty, or who wilfully performs it contrary to law, shall for each offence, if no other penalty is herein specifically imposed for such offence, be punished by imprisonment in jail not exceeding one year.

Enforcement of provisions.

**SECTION 20.** The supreme judicial court and the superior court shall have full power at law or in equity to enforce the provisions of this act. It shall be the duty of police officers and constables to arrest without warrant any person detected in the act of violating the caucus or election laws.

1893, 417, § 129, amended.

**SECTION 21.** Section one hundred and twenty-nine of chapter four hundred and seventeen of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting after the word "city", in line five, the following:—But no ballots as herein provided shall be printed in any printing establishment owned or managed by the city of Boston.

Printing of ballots in city of Boston.

1895, 507, § 16, amended.

**SECTION 22.** Section sixteen of chapter five hundred and seven of the acts of the year eighteen hundred and ninety-five is hereby amended by inserting after the word "caucuses", in line three, the following words:—But no ballots as herein provided shall be printed in any printing establishment owned or managed by the city of Boston.

Printing of ballots in city of Boston.

1895, 507, § 22, amended.

**SECTION 23.** Section twenty-two of chapter five hundred and seven of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out all after the word "clerk", being the first word in the thirty-first line of said section, and inserting in place thereof the following:—The city or town clerk shall safely keep such sealed packages for a period of ten days. If before the expiration of said time he shall be requested in writing by ten voters entitled to vote in said caucus, he shall safely keep said ballots and voting lists for the period of three months thereafter and shall produce the same if called for by any court, justice, tribunal or convention having jurisdiction of the same, — so as to read as follows:—*Section 22.* Immediately after the polls are declared closed, but not before, the ballots shall be counted

Counting of ballots, etc.

in full view of the voters. When the total result and counting of ballots has been ascertained the presiding officer shall make public announcement thereof in open meeting, and shall in open meeting, cause the clerk of the caucus to enter in words at length in the record book, provided for his use by the city or town clerk, the total number of names checked on the voting list, the total number of ballots cast, the names of all persons voted for, the number of votes received for each person, and the title of the delegation or office for which he was proposed. Each clerk of a caucus shall forthwith make a copy of the record so made by him, certify and seal the same, and transmit the same with the record book to the city or town clerk, as hereinafter provided. The clerk shall then, in the presence of those who are responsible for the count and before the adjournment of the caucus, seal up all ballots which have been cast, together with the check lists used in the caucus and a statement regarding any challenge which has been made. The warden and clerk of the caucus shall endorse upon such package the name of the political party holding the caucus, for what delegations and candidatures and in what ward the ballots were cast, and the date of the caucus. The warden shall forthwith transmit to the city or town clerk, by the police officer or by some other legal officer stationed by said clerk in attendance at the caucus, all the ballots cast and the voting lists, the copy of the records, sealed as aforesaid, together with the record book of the clerk.

Clerk to make copy of record, seal up ballots, etc.

Package to be endorsed and transmitted to city and town clerk, etc.

The city or town clerk shall safely keep such sealed packages for a period of ten days. If before the expiration of said time he shall be requested in writing by ten voters entitled to vote in said caucus, he shall safely keep said ballots and voting lists for the period of three months thereafter and shall produce the same if called for by any court, justice, tribunal or convention having jurisdiction of the same.

Ballots and voting lists to be safely kept for a certain time.

SECTION 24. Section twenty-eight of chapter five hundred and seven of the acts of the year eighteen hundred and ninety-five is hereby amended by striking out lines eleven, twelve, thirteen and fourteen, so as to read as follows: — *Section 28.* If at any caucus a majority of the caucus officers shall so vote, additional officers, to serve in that caucus only, may be elected by a majority vote of the caucus officers present and voting thereat, and

1895, 507, § 28, amended.

Additional caucus officers may be elected.

in case of the absence of any caucus officer the vacancy thus occurring shall be filled in the same manner.

Vacancy to be filled by remaining officers, etc.

In case of a vacancy in the number of caucus officers by death, declination of election, resignation, removal from the city or town, or otherwise, the vacancy shall be filled by a majority vote of all the remaining caucus officers.

Certain persons not eligible.

No person shall be eligible to the position of warden or clerk who is a member of a ward or town committee, and no person shall serve as a caucus officer at any caucus wherein he is a candidate for an elective office or for a nomination to an elective office, or candidate for ward or town committee.

Candidates to be nominated by roll call at certain conventions.

SECTION 25. At any political convention except a convention for the nomination of state officers on motion of any delegate which receives the support of one fourth of the delegates present, the nomination of any candidate shall be made by roll call in the following manner. The clerk or secretary of the convention shall call the roll of the towns and cities in alphabetical order or of wards in a city in numerical order, and each delegate shall as his name is called state in the hearing of the convention the name of the candidate for whom he desires to vote, and the person receiving the largest number of votes on such roll call shall be the candidate of the convention.

1896, 507, § 32, repealed.

SECTION 26. Section thirty-two of chapter five hundred and seven of the acts of the year eighteen hundred and ninety-five is hereby repealed.

Repeal.

SECTION 27. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 28. This act shall take effect upon its passage.

*Approved June 12, 1897.*



## RESOLVES.

RESOLVE RELATIVE TO THE PUBLICATION OF THE BULLETIN OF  
COMMITTEE HEARINGS. *Chap. 1*

*Resolved*, That all bills contracted under the order authorizing the joint committee on rules to publish a bulletin of committee hearings and matters before committees shall be paid on approval of the sergeant-at-arms.

Certain bills to be approved by sergeant-at-arms.

*Approved January 27, 1897.*

RESOLVE AUTHORIZING THE TREASURER TO BORROW MONEY IN  
ANTICIPATION OF REVENUE. *Chap. 2*

*Resolved*, That the treasurer and receiver general be and he is hereby authorized to borrow, in anticipation of the receipts of the present year, such sums of money as may from time to time be necessary for the payment of the ordinary demands on the treasury, at any time before the expiration of fifteen days after the meeting of the next general court, at such rates of interest as shall be found necessary; and that he repay any sums he may borrow under this resolve as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury.

Treasurer may borrow money in anticipation of revenue.

*Approved February 2, 1897.*

## RESOLVE IN FAVOR OF THE WIDOW OF CHARLES O. BRADY.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the widow of Charles O. Brady the sum of fifty-eight dollars and six cents, being the amount said Brady would have been entitled to receive had he lived to perform the services of fireman at the state house to the end of the year eighteen hundred and ninety-six.

*Chap. 3*

Widow of Charles O. Brady.

*Approved February 12, 1897.*

RESOLVE IN FAVOR OF THE CHILDREN OF THE LATE EDWARD N.  
ROBBINS. *Chap. 4*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the children of the late

Children of Edward N. Robbins.

Edward N. Robbins a duly elected member of the house of representatives from the fourth Berkshire representative district, the sum of seven hundred and fifty dollars, being the amount of compensation which the said Robbins would have been entitled to receive had he lived to the end of the present session.

*Approved February 18, 1897.*

**Chap. 5**

Lemuel Burr.

RESOLVE IN FAVOR OF LEMUEL BURR.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Lemuel Burr of Cambridge the sum of one hundred and fifty dollars, in consideration of his care of his late mother and aunt, who were members of the Ponkapoag tribe of Indians and were formerly beneficiaries of the Commonwealth.

*Approved February 18, 1897.*

**Chap. 6** RESOLVE PROVIDING FOR ADDITIONAL COPIES OF THE REPORT OF THE STATE BOARD ON DOCKS AND TERMINAL FACILITIES.

Additional copies of report on docks and terminal facilities.

*Resolved*, That two thousand additional copies of the report of the state board on docks and terminal facilities be printed and bound in cloth; fifteen hundred copies thereof for the use of said board and the balance to be distributed by the secretary of the Commonwealth.

*Approved February 18, 1897.*

**Chap. 7**

George E. Merry.

RESOLVE IN FAVOR OF GEORGE E. MERRY.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to George E. Merry of Malden the sum of one hundred and seventy-five dollars, as compensation for injuries received while on duty as a member of company A, first regiment, cavalry, Massachusetts volunteer militia, at the annual muster of the regiment at South Framingham in the year eighteen hundred and ninety-six.

*Approved February 18, 1897.*

**Chap. 8** RESOLVE PROVIDING FOR PRINTING ADDITIONAL COPIES OF THE MANUAL FOR THE GENERAL COURT.

Additional copies of manual.

*Resolved*, That there be printed fifteen hundred extra copies of the manual for the general court for the year eighteen hundred and ninety-seven, of which number each member of the senate and house of representatives shall receive five copies, the balance to be distributed under the direction of the clerks of the two branches.

*Approved February 26, 1897.*

## RESOLVE IN FAVOR OF GEORGE O. BENT.

Chap. 9

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to George O. Bent of Framingham, from and after the first day of January in the year eighteen hundred and ninety-seven, an annuity of three hundred and sixty dollars, for the term of five years, payable in equal quarterly instalments, on account of injuries received by him at the reformatory prison for women while in the employ of the Commonwealth.

George O. Bent.

*Approved February 26, 1897.*

## RESOLVE PROVIDING FOR THE FURNISHING OF TWO BUILDINGS AT THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Chap. 10

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended at the Massachusetts School for the Feeble-minded under the direction of the trustees of said institution, for the purpose of furnishing the two buildings authorized to be built by chapter eighty-one of the resolves of the year eighteen hundred and ninety-six.

Massachusetts school for the feeble-minded.

*Approved February 26, 1897.*

## RESOLVE TO CONFIRM THE ACTS OF EUGENE E. PATRIDGE AS A JUSTICE OF THE PEACE.

Chap. 11

*Resolved*, That all acts done by Eugene E. Patridge of Newton as a justice of the peace, between the twenty-fourth day of April and the twentieth day of August in the year eighteen hundred and ninety-six, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Eugene E. Patridge, justice of the peace, acts confirmed.

*Approved March 4, 1897.*

## RESOLVE TO CONFIRM THE ACTS OF GEORGE W. ANDERSON AS A JUSTICE OF THE PEACE.

Chap. 12

*Resolved*, That all the acts of George W. Anderson of Boston as a justice of the peace, between the thirty-first day of July and the eighth day of December in the year eighteen hundred and ninety-six, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

George W. Anderson, justice of the peace, acts confirmed.

*Approved March 4, 1897.*

**Chap. 13** RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS.

Trustees of the  
Soldiers' Home.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the Trustees of the Soldiers' Home in Massachusetts, the sum of thirty-five thousand dollars, the same to be used towards the maintenance of a home for deserving veteran soldiers and sailors.

*Approved March 6, 1897.*

**Chap. 14** RESOLVE IN FAVOR OF THE FAMILY OF THE LATE B. ALDEN NOURSE.

Family of B.  
Alden Nourse.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the family of the late B. Alden Nourse a member of the house of representatives from the tenth Worcester district, the sum of seven hundred and fifty dollars, being the compensation to which the said Nourse would have been entitled had he lived to the end of the present session of the general court.

*Approved March 10, 1897.*

**Chap. 15** RESOLVE IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Massachusetts  
Agricultural  
College.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand dollars, to be expended at the Massachusetts Agricultural College under the direction of its trustees, for the following purposes, to wit:— For providing adequate water supply and protection from fire by the purchase and laying of six thousand feet, more or less, of six inch cast iron water pipes, with the gates, hydrants and hose required, a sum not exceeding five thousand eight hundred dollars; for constructing a reservoir to be used in emergencies, and for laying the necessary pipes and gates, a sum not exceeding two thousand five hundred dollars; for renovating and enlarging the greenhouse for the study of plant diseases, a sum not exceeding one thousand five hundred dollars; for enlarging the laboratory and providing the necessary facilities for teaching botany, a sum not exceeding twelve hundred dollars; for painting, repairing and raising the roofs of the greenhouses known as the Durfee plant house and the vegetable house, a sum not exceeding one thousand dollars.

*Approved March 11, 1897.*

RESOLVE RELATIVE TO THE RECORDS OF THE COLONIAL FORCES OF MASSACHUSETTS. *Chap. 16*

*Resolved*, That the secretary of the Commonwealth is hereby instructed to ascertain and report to the general court whether or not there are in existence in England, rolls of the fifth Massachusetts colonial regiment, and of all the colonial forces engaged in the Louisburg expedition of the year seventeen hundred and forty-five, and whether or not certified copies of such rolls can be obtained, and the cost of obtaining the same.

Records of the colonial forces.

*Approved March 17, 1897.*

## RESOLVE RELATIVE TO THE TRAINING SHIP ENTERPRISE.

*Chap. 17*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars, to meet the expense of removing the old boilers from the training ship Enterprise and installing in their place the new boilers provided for that purpose by the United States government, and for making such other repairs as may be necessary in connection therewith.

Training ship Enterprise.

*Approved March 24, 1897.*

## RESOLVE RELATIVE TO THE CODIFICATION OF THE ELECTION LAWS.

*Chap. 18*

*Resolved*, That the compensation of the secretary of the Commonwealth for performing the service required of him by chapter seventy-eight of the resolves of the year eighteen hundred and ninety-six relative to the codification of the election laws shall be five hundred dollars. So much of said chapter seventy-eight as provides for the compensation of said secretary is hereby repealed.

Codification of the election laws.

*Approved March 24, 1897.*

## RESOLVE PROVIDING FOR FURNISHING AND EQUIPPING THE NEW BUILDINGS OF THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

*Chap. 19*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-two thousand seven hundred and fifty dollars, to be expended at the Massachusetts hospital for epileptics under the direction of the trustees of said hospital, for the following purposes, to wit:—For furnishing and equipping the administration building, the two hospital buildings and the employees' building, a sum not exceed-

Massachusetts hospital for epileptics.

ing eighteen thousand dollars; for the purchase of live stock, harnesses, carriages and farm implements, a sum not exceeding four thousand dollars; and for laundry machinery, a sum not exceeding seven hundred and fifty dollars.

*Approved March 24, 1897.*

- Chap. 20** RESOLVE TO PROVIDE FOR PRINTING THE SPECIAL REPORT OF THE BOARD OF AGRICULTURE ON THE EXTERMINATION OF THE GYPSY MOTH.

Extermination  
of the gypsy  
moth.

*Resolved*, That there be printed for public distribution five thousand copies of the special report of the state board of agriculture on the work of extermination of the gypsy moth, with illustrations: *provided*, that the expense thereof shall not exceed the sum of three hundred dollars.

*Approved March 25, 1897.*

- Chap. 21** RESOLVE RELATIVE TO THE COMMISSION APPOINTED TO INVESTIGATE THE CHARITABLE AND REFORMATORY INTERESTS AND INSTITUTIONS OF THE COMMONWEALTH.

Commission to  
investigate the  
charitable and  
reformatory in-  
stitutions, etc.

*Resolved*, That the auditor of accounts be and he is hereby authorized to approve all bills properly incurred by the commission appointed to investigate the charitable and reformatory interests and institutions of the Commonwealth submitted to him on or before the first day of April of the present year, after the same have been approved by the governor and council.

*Approved March 25, 1897.*

- Chap. 22** RESOLVE RELATIVE TO COMPILING, INDEXING AND PUBLISHING THE RECORDS OF THE MASSACHUSETTS TROOPS WHO SERVED IN THE REVOLUTIONARY WAR.

Records of  
Massachusetts  
troops in the  
revolutionary  
war, publication  
and distribu-  
tion.

*Resolved*, That the secretary of the Commonwealth is hereby authorized and directed to prepare and publish, in book form, at an expense not exceeding six thousand dollars, an indexed compilation of the records of the Massachusetts soldiers and sailors who served in the army or navy during the revolutionary war, as shown in the archives in the office of the secretary. There shall be printed one thousand copies of said compilation, to be distributed as follows: — To each free public library, one copy; to each city and town in which there is no free public library, one copy; to each duly incorporated historical or antiquarian society within the Commonwealth

which maintains a suitable place for the safe keeping of books, one copy; to the state library, twenty copies; to each state and territory of the United States, one copy. The remaining copies shall be subject to distribution at the discretion of the secretary of the Commonwealth, and copies may be sold by the secretary at a price not less than the cost thereof. Chapter one hundred of the resolves of the year eighteen hundred and ninety-one is hereby repealed.

*Approved March 27, 1897.*

RESOLVE IN FAVOR OF LYDIA WOODMAN.

*Resolved*, That Lydia Woodman, mother of Charles H. Woodman, deceased, who served during the war of the rebellion as a private in the seventeenth unattached company, Massachusetts volunteer infantry, shall, on and after the passage of this resolve, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and ninety-four, in the same manner and to the same extent that she would have been entitled to receive the same had she been dependent on her son for support at the time he was in the service.

*Approved March 27, 1897.*

*Chap. 23*

Lydia Woodman.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF DUKES COUNTY.

*Chap. 24*

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Dukes County for the year eighteen hundred and ninety-seven:—

County tax,  
Dukes County.

For interest on county debt, a sum not exceeding three hundred and twenty-five dollars, including one hundred and three dollars and thirty-three cents to pay interest due and unpaid.

For reduction of county debt, a sum not exceeding three thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding three thousand two hundred and twenty-five dollars.

For clerical assistance in county offices, a sum not exceeding three hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eight hundred dollars, including thirty-nine dollars and forty-three cents to pay bills due and unpaid.

County tax,  
Dukes County.

For criminal costs in the superior court, a sum not exceeding eight hundred dollars.

For civil expenses in the supreme and superior courts, a sum not exceeding one thousand dollars.

For transportation expenses of county and special commissioners, a sum not exceeding twenty-five dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one hundred dollars.

For auditors, masters and referees, a sum not exceeding two hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding eight hundred dollars, including thirty-five dollars to pay bills due and unpaid.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding five hundred dollars, including fifty-two dollars and twenty-seven cents to pay bills due and unpaid.

For highways, bridges and land damages, a sum not exceeding one thousand eight hundred dollars.

For law libraries, a sum not exceeding seventy-five dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding eight hundred dollars, including fifteen dollars and fifty cents to pay bills due and unpaid.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of eight thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 1, 1897.*

**Chap. 25** RESOLVE PROVIDING FOR LOCATING, DEFINING AND MARKING THE BOUNDARY LINE BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF NEW YORK.

Boundary line  
between Massa-  
chusetts and  
New York.

*Resolved*, That the commissioners on the topographical survey and map of Massachusetts are hereby authorized and directed, acting with any officers or agents who may be authorized or appointed for a like purpose by the state of New York, to locate, define and mark by appropriate monuments, the true line between the territory under the jurisdiction of the Commonwealth of Massachusetts and that under the jurisdiction of the state of New York; that



upon the completion of the work the commissioners shall file with the secretary of the Commonwealth a properly attested map showing the location of all the monuments marking said line, and make a report of their doings hereunder to the legislature; and that there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand dollars for the purpose of paying the Commonwealth's share of the necessary expenses incurred in carrying out the work herein authorized.

*Approved April 1, 1897.*

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF FRANKLIN.

*Chap. 26*

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Franklin for the year eighteen hundred and ninety-seven: —

County tax,  
Franklin.

For interest on county debt, a sum not exceeding two thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding six thousand three hundred dollars.

For clerical assistance in county offices, a sum not exceeding fifteen hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding five thousand five hundred dollars.

For criminal costs in the superior court, a sum not exceeding three thousand five hundred dollars.

For civil expenses in the supreme and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and special commissioners, a sum not exceeding five hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding eight hundred dollars.

For auditors, masters and referees, a sum not exceeding three hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three thousand five hundred dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding three thousand dollars.

County tax,  
Franklin.

For highways, bridges and land damages, a sum not exceeding two thousand five hundred dollars.

For state highways, a sum not exceeding nine thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of forty-one thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 1, 1897.*

**Chap. 27** RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BARNSTABLE.

County tax,  
Barnstable.

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Barnstable for the year eighteen hundred and ninety-seven: —

For interest on county debt, a sum not exceeding one thousand dollars.

For reduction of county debt, a sum not exceeding three thousand nine hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding five thousand three hundred and fifty dollars.

For clerical assistance in county offices, a sum not exceeding two thousand one hundred and fifty dollars, including forty-two dollars to pay bills due and unpaid.

For salaries and expenses of district and police courts, a sum not exceeding four thousand one hundred dollars, including ninety-nine dollars and fifty-two cents to pay bills due and unpaid.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding three thousand two hundred dollars.

For criminal costs in the superior court, a sum not exceeding one thousand eight hundred dollars.

For civil expenses in the supreme and superior courts, a sum not exceeding one thousand five hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding three hundred dollars, including fourteen dollars and ten cents to pay bills due and unpaid. County tax,  
Barnstable.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand dollars, including thirty-one dollars and sixty-seven cents to pay bills due and unpaid.

For auditors, masters and referees, a sum not exceeding three hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two thousand two hundred dollars, including one hundred and twenty-two dollars and twenty-one cents to pay bills due and unpaid.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding one thousand seven hundred dollars, including eighty-four dollars and ninety-four cents to pay bills due and unpaid.

For highways, bridges and land damages, a sum not exceeding four thousand five hundred dollars.

For law libraries, a sum not exceeding three hundred dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four hundred and twenty-five dollars, including twelve dollars to pay bills due and unpaid.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of twenty-seven thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 1, 1897.*

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF MIDDLESEX. Chap. 28

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Middlesex for the year eighteen hundred and ninety-seven : — County tax,  
Middlesex.

For interest on county debt, a sum not exceeding thirty-five thousand eight hundred dollars.

County tax,  
Middlesex.

For reduction of county debt, a sum not exceeding forty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-three thousand dollars.

For clerical assistance in county offices, a sum not exceeding seventy-three thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding sixty-three thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred and ten thousand dollars.

For criminal costs in the superior court, a sum not exceeding thirty-five thousand dollars.

For civil expenses in the supreme and superior courts, a sum not exceeding forty-seven thousand dollars.

For trial justices, a sum not exceeding three thousand two hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding six hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding twelve thousand dollars.

For auditors, masters and referees, a sum not exceeding six thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding thirty thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding twenty-two thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty-two thousand five hundred dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding fourteen thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of four hundred and twenty thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 2, 1897.*

RESOLVE RELATIVE TO THE STATE NORMAL SCHOOL AT HYANNIS. *Chap. 29*

*Resolved*, That the state board of education is hereby authorized to purchase additional land for the grounds of the state normal school at Hyannis, at an expense not exceeding seven thousand five hundred dollars.

State normal  
school at  
Hyannis.

*Approved April 2, 1897.*

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BERKSHIRE. *Chap. 30*

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Berkshire for the year eighteen hundred and ninety-seven :—

County tax,  
Berkshire.

For interest on county debt, a sum not exceeding six thousand seven hundred dollars.

For reduction of county debt, a sum not exceeding sixteen thousand eight hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twelve thousand dollars.

For clerical assistance in county offices, a sum not exceeding four thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding fifteen thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighteen thousand five hundred dollars, including five hundred and ninety-nine dollars and ninety-eight cents to pay bills due and unpaid.

For criminal costs in the superior court, a sum not exceeding eight thousand five hundred dollars.

For civil expenses in the supreme and superior courts, a sum not exceeding three thousand five hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding two hundred and fifty dollars, including nine dollars and twelve cents to pay bills due and unpaid.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars.

For auditors, masters and referees, a sum not exceeding four hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding seven thousand seven hundred dollars.

For care, fuel, lights and supplies in county buildings,

County tax,  
Berkshire.

other than jails and houses of correction, a sum not exceeding three thousand eight hundred dollars.

For highways, bridges and land damages, a sum not exceeding seventeen thousand two hundred dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding one thousand three hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of eighty-eight thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 5, 1897.*

**Chap. 31** RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF PLYMOUTH

County tax,  
Plymouth.

*Resolved,* That the following sums are hereby appropriated for the expenses of the county of Plymouth for the year eighteen hundred and ninety-seven: —

For interest on county debt, a sum not exceeding six thousand dollars.

For reduction of county debt, a sum not exceeding fifteen thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding eleven thousand four hundred dollars.

For clerical assistance in county offices, a sum not exceeding five thousand four hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding fourteen thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirteen thousand five hundred dollars.

For criminal costs in the superior court, a sum not exceeding fourteen thousand dollars.

For civil expenses in the supreme and superior courts, a sum not exceeding seven thousand five hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars.

For auditors, masters and referees, a sum not exceeding County tax, Plymouth. seven hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding three thousand two hundred dollars.

For highways, bridges and land damages, a sum not exceeding nine thousand dollars.

For state highways, a sum not exceeding ten thousand one hundred and four dollars.

For law libraries, a sum not exceeding one thousand five hundred dollars.

For truant schools, a sum not exceeding two thousand four hundred dollars, including one hundred and forty-nine dollars to pay bills due and unpaid.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and nine thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 6, 1897.*

RESOLVE TO CONFIRM THE ACTS OF WILLIAM H. FEIKER AS A *Chap. 32*  
NOTARY PUBLIC.

*Resolved*, That all acts done by William H. Feiker of Northampton as a notary public, between the fifth day of November in the year eighteen hundred and ninety-six and the first day of February in the year eighteen hundred and ninety-seven, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office. William H. Feiker, notary public, acts confirmed.

*Approved April 7, 1897.*

RESOLVE TO CONFIRM THE ACTS OF HORACE D. CHAPIN AS A *Chap. 33*  
JUSTICE OF THE PEACE.

*Resolved*, That all acts done by Horace D. Chapin of Brookline as a justice of the peace, between the thirteenth day of November in the year eighteen hundred and ninety-six and the twenty-fifth day of February in the year eight- Horace D. Chapin, justice of the peace, acts confirmed.

een hundred and ninety-seven, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

*Approved April 7, 1897.*

**Chap. 34** RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPSHIRE.

County tax,  
Hampshire.

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Hampshire for the year eighteen hundred and ninety-seven : —

For interest on county debt, a sum not exceeding four thousand five hundred dollars.

For reduction of county debt, a sum not exceeding seven thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seven thousand three hundred dollars.

For clerical assistance in county offices, a sum not exceeding three thousand four hundred dollars, including two hundred and twenty-three dollars and thirty-three cents to pay bills due and unpaid.

For salaries and expenses of district and police courts, a sum not exceeding seven thousand dollars, including three hundred and seventy-five dollars and ninety-one cents to pay bills due and unpaid.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ten thousand five hundred dollars, including eight hundred and seventy-one dollars and eighty-six cents to pay bills due and unpaid.

For criminal costs in the superior court, a sum not exceeding four thousand one hundred dollars, including eight hundred and twelve dollars and ninety cents to pay bills due and unpaid.

For civil expenses in the supreme and superior courts, a sum not exceeding five thousand dollars.

For transportation expenses of county and special commissioners, a sum not exceeding one hundred and seventy-five dollars, including twenty-six dollars and twenty-six cents to pay bills due and unpaid.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand four hundred dollars, including three hundred and fifty-five dollars and eighty-four cents to pay bills due and unpaid.



For auditors, masters and referees, a sum not exceeding County tax, Hampshire. five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding one thousand two hundred dollars, including thirty-six dollars and thirty-three cents to pay bills due and unpaid.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding three thousand eight hundred dollars, including two hundred and eighty-seven dollars and sixty-three cents to pay bills due and unpaid.

For highways, including state highways, bridges and land damages, a sum not exceeding six thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding two hundred dollars, including twenty-five dollars to pay bills due and unpaid.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four hundred and fifty dollars, including nine dollars and seventy-two cents to pay bills due and unpaid.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of fifty-six thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 10, 1897.*

**RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BRISTOL.** *Chap. 35*

*Resolved,* That the following sums are hereby appropriated for the expenses of the county of Bristol for the year eighteen hundred and ninety-seven:— County tax, Bristol.

For interest on county debt, a sum not exceeding twenty-three thousand dollars.

For reduction of county debt, a sum not exceeding sixty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding thirteen thousand dollars.

County tax,  
Bristol.

For salaries and expenses of district and police courts, a sum not exceeding twenty-one thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighty thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-three thousand five hundred dollars.

For civil expenses in the supreme and superior courts, a sum not exceeding seventeen thousand three hundred dollars.

For transportation expenses of county and special commissioners, a sum not exceeding eight hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding six thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding thirteen thousand dollars.

For highways, bridges, state highways and land damages, a sum not exceeding twenty thousand dollars.

For law libraries, a sum not exceeding two thousand five hundred dollars.

For truant schools, a sum not exceeding six thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 10, 1897.*

**Chap. 36** RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Massachusetts  
Charitable Eye  
and Ear Infirmary.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts Charitable Eye and Ear Infirmary the sum of twenty-five

thousand dollars, to be expended under the direction of the managers thereof for the charitable purposes of said infirmary during the present year.

*Approved April 10, 1897.*

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RESOLVE RELATIVE TO THE STATE NORMAL SCHOOL AT LOWELL.

*Chap. 37*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty thousand dollars, to be expended under the direction of the state board of education for the purpose of completing the furnishing and equipment of the state normal school at Lowell.

State normal  
school at  
Lowell.

*Approved April 10, 1897.*

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RESOLVE IN FAVOR OF JAMES N. TOLMAN.

*Chap. 38*

*Resolved,* That in recognition of the long and faithful service of James N. Tolman a messenger in the sergeant-at-arms' department, who has been employed therein as watchman, sergeant-at-arms' messenger, and in charge of the legislative document room, for nearly fifty years, and who is now afflicted with a disease which incapacitates him from further service, the sergeant-at-arms be allowed to continue the said James N. Tolman on his pay roll for the term of one year from the fourth day of June in the year eighteen hundred and ninety-seven, at the rate of six hundred dollars per year, which sum shall be paid out of the treasury of the Commonwealth to the said James N. Tolman monthly, and in case of his death the same sum per month shall be paid to his widow to the end of the year above-specified.

James N. Tol-  
man.

*Approved April 10, 1897.*

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RESOLVE PROVIDING FOR COMPLETING THE NEW SYSTEM OF DRAINAGE AT THE WESTBOROUGH INSANE HOSPITAL.

*Chap. 39*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended at the Westborough insane hospital under the direction of the trustees thereof, for the purpose of completing the new system of drainage and sewerage authorized by chapter seventy-six of the resolves of the year eighteen hundred and ninety-six.

Westborough  
insane hospital.

*Approved April 10, 1897.*

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RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF WORCESTER.

*Chap. 40*

*Resolved,* That the following sums are hereby appropriated for the expenses of the county of Worcester for the year eighteen hundred and ninety-seven: —

County tax,  
Worcester.

County tax,  
Worcester.

For interest on county debt, a sum not exceeding three thousand five hundred dollars.

For reduction of county debt, a sum not exceeding twenty-five thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-four thousand and eighty-three dollars.

For clerical assistance in county offices, a sum not exceeding thirty-four thousand seven hundred and ten dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirty-eight thousand two hundred and seventy-eight dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifty-three thousand nine hundred and eighty-eight dollars.

For criminal costs in the superior court, a sum not exceeding twenty-three thousand dollars.

For civil expenses in the supreme and superior courts, a sum not exceeding seventeen thousand dollars.

For trial justices, a sum not exceeding six thousand and twenty-six dollars.

For transportation expenses of county and special commissioners, a sum not exceeding eight hundred and fifty-five dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding nine thousand four hundred and seventy-four dollars.

For auditors, masters and referees, a sum not exceeding three thousand one hundred and eighty dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding ten thousand one hundred and sixty-seven dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding fourteen thousand five hundred and seventy-eight dollars.

For highways, bridges and land damages, a sum not exceeding fifteen thousand dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding ten thousand seven hundred and seventy-seven dollars.

For miscellaneous and contingent expenses of the cur-

rent year, a sum not exceeding six thousand four hundred and seventy dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and forty-three thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 10, 1897.*

RESOLVE PROVIDING FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT BRIDGEWATER. *Chap. 41*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twelve thousand eight hundred and eighty-eight dollars, to be expended under the direction of the state board of education at the state normal school at Bridgewater, for the following purposes:—For tinting and painting the interior of the school building, a sum not exceeding forty-eight hundred and sixty dollars; for painting the interior of the boarding hall, a sum not exceeding thirteen hundred and sixty dollars; for fireproof partitions in the attic of the school building, a sum not exceeding twenty-four hundred and sixty dollars; for the renewal of the plumbing in Normal Hall, a sum not exceeding thirty-two hundred and eight dollars; and for hard pine floors for Normal Hall, a sum not exceeding one thousand dollars.

State normal  
school at  
Bridgewater.

*Approved April 10, 1897.*

RESOLVE RELATIVE TO THE STATE NORMAL SCHOOL AT NORTH ADAMS. *Chap. 42*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen thousand dollars, to be expended under the direction of the state board of education to meet the expense of additional grading upon the grounds connected with the state normal school at North Adams, and for furnishing clocks, cabinets, apparatus, furniture and other necessary equipments for the several departments of said school, including the department of manual training.

State normal  
school at North  
Adams.

*Approved April 10, 1897.*

**Chap. 43** RESOLVE RELATIVE TO THE STATE NORMAL SCHOOL AT FITCHBURG.

State normal  
school at Fitch-  
burg.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventeen thousand dollars, to be expended at the state normal school at Fitchburg under the direction of the state board of education, for the following purposes: — For the completion of the grading of the grounds of said school, a sum not exceeding seven thousand dollars; and for providing double windows for the building, additional apparatus, and for completing the equipment of the manual training and other departments of the school, a sum not exceeding ten thousand dollars.

*Approved April 10, 1897.*

**Chap. 44** RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPDEN.

County tax,  
Hampden.

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Hampden for the year eighteen hundred and ninety-seven: —

For interest on county debt, a sum not exceeding four-  
teen thousand dollars.

For reduction of county debt, a sum not exceeding  
thirty-one thousand dollars.

For salaries of county officers and assistants, fixed by  
law, a sum not exceeding twelve thousand dollars, includ-  
ing one hundred and twenty dollars to pay bills due and  
unpaid.

For clerical assistance in county offices, a sum not ex-  
ceeding nine thousand dollars.

For salaries and expenses of district and police courts,  
a sum not exceeding twenty-three thousand dollars, includ-  
ing twenty-four dollars to pay bills due and unpaid.

For salaries of jailers, masters and assistants, and sup-  
port of prisoners in jails and houses of correction, a sum  
not exceeding twenty-eight thousand dollars.

For criminal costs in the superior court, a sum not ex-  
ceeding nine thousand eight hundred dollars.

For civil expenses in the supreme and superior courts,  
a sum not exceeding twenty-four thousand dollars.

For transportation expenses of county and special com-  
missioners, a sum not exceeding two hundred dollars, in-  
cluding five dollars and ninety-two cents to pay bills due  
and unpaid.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding five thousand dollars, including one hundred and seventeen dollars and nineteen cents to pay bills due and unpaid.

County tax,  
Hampden.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding thirteen thousand dollars, including four thousand seven hundred and thirty-one dollars and thirty-six cents to pay bills due and unpaid.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding nine thousand dollars, including eighty-six dollars and seventy-five cents to pay bills due and unpaid.

For highways, bridges and land damages, a sum not exceeding fourteen thousand dollars, including three hundred and twenty-one dollars and two cents to pay bills due and unpaid.

For law libraries, a sum not exceeding two thousand dollars, including seventy dollars and five cents to pay bills due and unpaid.

For truant schools, a sum not exceeding six thousand six hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand three hundred dollars, including nineteen dollars and thirty-five cents to pay bills due and unpaid.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and sixty-four thousand four hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 10, 1897.*

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RESOLVE RELATIVE TO THE GRANT MONUMENT INAUGURAL PARADE.

Chap. 45

*Resolved*, That, in order to enable the Commonwealth to be represented at the Grant monument inaugural parade in the city of New York on the twenty-seventh day of April of the current year, by his excellency the governor and a detail of his staff, by a regiment of the Massachusetts volunteer militia and also by a body-guard of troops for the commander-in-chief, to be designated by him as

Grant monu-  
ment inaugural  
parade.

commander-in chief, there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven-teen thousand five hundred dollars, to be expended under the direction of the governor and council.

*Approved April 14, 1897.*

**Chap. 46** RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF NORFOLK.

County tax,  
Norfolk.

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Norfolk for the year eighteen hundred and ninety-seven : —

For interest on county debt, a sum not exceeding seven thousand six hundred dollars.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seventeen thousand dollars, including six hundred and eighty-three dollars and thirty-seven cents to pay bills due and unpaid.

For clerical assistance in county offices, a sum not exceeding fifteen thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding thirteen thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-two thousand dollars, including twelve hundred and eighteen dollars and seventy-three cents to pay bills due and unpaid.

For criminal costs in the superior court, a sum not exceeding fourteen thousand dollars, including fifteen dollars to pay bills due and unpaid.

For civil expenses in the supreme and superior courts, a sum not exceeding ten thousand five hundred dollars.

For trial justices, a sum not exceeding five thousand dollars.

For transportation expenses of county and special commissioners, a sum not exceeding four hundred dollars, including fifty-eight dollars and eighteen cents to pay bills due and unpaid.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand five hundred dollars, including two hundred and eighty-five dollars and sixty cents to pay bills due and unpaid.

For auditors, masters and referees, a sum not exceed-



ing two thousand five hundred dollars, including ten dollars and twenty-six cents to pay bills due and unpaid. County tax,  
Norfolk.

For repairing, furnishing and improving county buildings, a sum not exceeding two thousand five hundred dollars, including twenty-one dollars and thirty-five cents to pay bills due and unpaid.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding eleven thousand dollars, including one hundred and forty-two dollars and fifty-three cents to pay bills due and unpaid.

For highways, including state highways, bridges and land damages, a sum not exceeding thirty-five thousand five hundred dollars, including eleven thousand nine hundred and eighty-four dollars and seventy cents to pay bills due and unpaid.

For law libraries, a sum not exceeding one thousand dollars, including eight dollars to pay bills due and unpaid.

For truant schools, a sum not exceeding five thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and sixty-four thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 14, 1897.*

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RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF ESSEX.

*Chap. 47*

*Resolved*, That the following sums are hereby appropriated for the expenses of the county of Essex for the year eighteen hundred and ninety-seven:—

County tax,  
Essex.

For interest on county debt, a sum not exceeding four thousand five hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-seven thousand six hundred dollars.

For clerical assistance in county offices, a sum not exceeding fifteen thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding forty-two thousand dollars.

County tax,  
Essex.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding seventy thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-two thousand five hundred dollars.

For civil expenses in the supreme and superior courts, a sum not exceeding twenty-five thousand dollars.

For trial justices, a sum not exceeding five thousand dollars.

For transportation expenses of county and special commissioners, a sum not exceeding seven hundred and fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding nine thousand two hundred dollars.

For auditors, masters and referees, a sum not exceeding five thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding three thousand dollars.

For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding fourteen thousand dollars.

For highways, bridges and land damages, a sum not exceeding forty thousand dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding eleven thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred and thirty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

*Approved April 14, 1897.*

**Chap. 48** RESOLVE TO PROVIDE FOR THE MAKING AND COMPLETING OF SPECIAL PLANS OF THE STATE HOUSE EXTENSION AS FINISHED.

Special plans of  
state house ex-  
tension.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding six thousand dollars, to be expended under the direction of the state house construction commissioners for making

and completing special plans of the state house extension, as finished, including piping, plumbing, wiring, sewerage, ventilation, strength and location of partition walls, girders, supports and all other concealed work. Said plans when completed and approved by the state house construction commissioners shall be deposited in the state library.

*Approved April 14, 1897.*

**RESOLVE RELATIVE TO COMPLETING THE INDEX OF THE WAR RECORDS AND RE-WRITING THE WAR RECORD BOOKS IN THE OFFICE OF THE ADJUTANT GENERAL.**

*Chap. 49*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of fifteen hundred dollars, to be expended under the direction of the adjutant general for the purpose of re-writing the record books for permanent preservation; said sum to be in addition to any unexpended portion of the amount authorized to be expended for said purpose by chapter twenty-two of the resolves of the year eighteen hundred and ninety-six.

Index of war records, etc.

*Approved April 14, 1897.*

**RESOLVE IN FAVOR OF WILLIAM H. MORTON.**

*Chap. 50*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of three hundred dollars to William H. Morton of Gay Head, an Indian who served in the United States navy in the war of the rebellion while Gay Head was an Indian reservation and not a part of any city or town of the Commonwealth. The sum allowed by this resolve shall be paid only to the beneficiary named herein or to his executor or administrator.

William H. Morton.

*Approved April 14, 1897.*

**RESOLVE TO PROVIDE FOR ADDITIONAL COPIES OF THE REPORT OF THE COMMISSION TO INVESTIGATE THE PUBLIC CHARITABLE AND REFORMATORY INTERESTS AND INSTITUTIONS OF THE COMMONWEALTH.**

*Chap. 51*

*Resolved*, That one thousand additional copies be printed of the report of the commission to investigate the public charitable and reformatory interests and institutions of the Commonwealth, exclusive of the appendices; said additional copies to be distributed under the direction of the secretary of the Commonwealth.

Additional copies of report on charitable and reformatory institutions.

*Approved April 21, 1897.*

**Chap. 52** RESOLVE TO PROVIDE FOR A SPECIAL REPORT ON THE VARIOUS METHODS OF EMPLOYING PRISONERS ON PUBLIC WORKS AND LANDS.

Special report on methods of employing prisoners on public works and lands.

*Resolved*, That the general superintendent of prisons be directed to make an examination of the various methods of employing prisoners on public works and lands, and to submit a special report thereon to the general court in the month of February in the year eighteen hundred and ninety-eight. The said general superintendent, with the approval of the governor and council, may expend a sum not exceeding nine hundred dollars for carrying out the purposes of this resolve.

*Approved April 21, 1897.*

**Chap. 53** RESOLVE TO PROVIDE FOR REPAIRING THE FISHWAY OVER THE LAWRENCE DAM.

Fishway over the Lawrence dam.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five hundred dollars, to be expended under the direction of the commissioners on inland fisheries and game, for the payment of one half of the expense of repairs on the fishway over the Lawrence dam. *Approved April 21, 1897.*

**Chap. 54** RESOLVE RELATIVE TO THE TENNESSEE CENTENNIAL AND INTERNATIONAL EXPOSITION.

Tennessee centennial and international exposition.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended under the direction of the governor and council, to enable the Commonwealth to be represented at the Tennessee centennial and international exposition to be held in the city of Nashville, beginning on the first day of May in the year eighteen hundred and ninety-seven, through the following officials: — His excellency the governor or his honor the lieutenant governor, six members of the staff of his excellency the governor, and three special commissioners to be appointed by the governor with the consent of the council. The commissioners appointed by the governor shall serve without pay, but may employ a clerk who shall receive such compensation as said commissioners may determine: *provided*, that the same shall be paid out of the five thousand dollars allowed by this resolve.

*Approved April 21, 1897.*

RESOLVE TO PROVIDE FOR REPAIRS AT THE REFORMATORY PRISON *Chap. 55*  
FOR WOMEN.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of five thousand three hundred and fifty dollars, to be expended under the direction of the commissioners of prisons, for repairs at the reformatory prison for women, as follows: — For repairing the laundry yards, a sum not exceeding fifteen hundred dollars; for repairing the prison fences, a sum not exceeding two thousand dollars; for repairing the bathrooms, a sum not exceeding thirteen hundred and fifty dollars; and for repairs on houses, a sum not exceeding five hundred dollars. *Approved April 21, 1897.*

Reformatory  
prison for  
women.

RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AT THE ASYLUM *Chap. 56*  
FOR INSANE CRIMINALS AT THE STATE FARM.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eighteen thousand three hundred dollars, to be expended at the state farm under the direction of the trustees and superintendent, for the following purposes: — For the erection of a strong isolation ward for dangerous and incorrigible cases, to contain not less than fifteen rooms, including heating, furnishing and plumbing, a sum not exceeding twelve thousand dollars; for brick and concrete paving and additional fencing, a sum not exceeding two thousand dollars; for renovating the northwest wing for acute cases, and providing storage rooms and a central bathing station for modern rain-baths, a sum not exceeding four thousand three hundred dollars.

Asylum for in-  
sane criminals  
at the state  
farm.

*Approved April 23, 1897.*

RESOLVE PROVIDING FOR THE ERECTION OF A NEW PRISON BUILD- *Chap. 57*  
ING AND FOR CERTAIN OTHER IMPROVEMENTS AT THE STATE  
FARM.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eighty thousand dollars, to be expended at the state farm under the direction of the trustees and superintendent, for the following purposes: — For painting barns and other wooden buildings, a sum not exceeding eight hundred dollars; for an improved system of sewerage and addi-

State farm.

tional lands for filtration beds, a sum not exceeding four thousand two hundred dollars; and for the erection of a new prison building, to contain not less than three hundred rooms, including connecting yard walls, a sum not exceeding seventy-five thousand dollars: *provided, however*, that not more than thirty-seven thousand five hundred dollars shall be expended for the new prison building during the year eighteen hundred and ninety-seven.

*Approved April 23, 1897.*

**Chap. 58** RESOLVE TO PROVIDE FOR THE PROTECTION OF THE WESTERN BANK OF THE CONNECTICUT RIVER IN THE TOWN OF AGAWAM FROM THE FURTHER ENCROACHMENTS OF SAID RIVER.

Protection of  
Agawam  
against en-  
croachments of  
Connecticut  
river.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the board of harbor and land commissioners, in pursuance of the provisions of chapter three hundred and forty-four of the acts of the year eighteen hundred and eighty-five, the sum of fifteen hundred dollars, for such surveys and examinations and for such protective works as may be found necessary and practicable to protect the western bank of the Connecticut river in the town of Agawam, and the highway near said bank, from the further encroachments of said river.

*Approved April 23, 1897.*

**Chap. 59** RESOLVE IN FAVOR OF THOMAS G. AND REBECCA C. PUTTILOW.

Thomas G. and  
Rebecca C.  
Puttilow.

*Resolved*, That Thomas G. and Rebecca C. Puttilow of Weymouth, father and mother of Francis A. Puttilow who served during the war of the rebellion in company E, fourth Massachusetts volunteer cavalry, and who died in said service on the twenty-fifth day of July in the year eighteen hundred and sixty-four, shall, from and after the first day of March of the present year, be eligible to receive state aid under the provisions, rules and limitations of chapter three hundred and one of the acts of the year eighteen hundred and ninety-four, in the same manner and to the same extent as if fathers and mothers of deceased soldiers were expressly included in the classes of persons authorized to receive aid by said act.

*Approved April 23, 1897.*

**RESOLVE TO PROVIDE FOR REPAIRS AT THE MASSACHUSETTS REFORMATORY.** *Chap. 60*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirteen thousand dollars, to be expended at the Massachusetts reformatory under the direction of the commissioners of prisons, for the following purposes:— For extending the water mains and hydrant service, a sum not exceeding four thousand dollars; for supplying additional electric lighting apparatus, a sum not exceeding three thousand dollars; and for furnishing four new boilers and settings, a sum not exceeding six thousand dollars.

Massachusetts  
reformatory.

*Approved April 23, 1897.*

**RESOLVE TO PROVIDE FOR THE EXAMINATION OF CERTAIN CATTLE FOR THE PURPOSE OF DETERMINING THE EFFECTIVENESS OF THE TUBERCULIN TEST.** *Chap. 61*

*Resolved*, That the joint special committee authorized to investigate certain cattle belonging to persons in Dracut and Lowell, which had been condemned as tuberculous by the tuberculin test, and to have said animals subjected to an examination by experts selected by said committee, are further authorized to purchase, slaughter and have examined by the same experts the remaining twenty-three animals of said herds reported not to have reacted to the tuberculin test, in order to show the value of that test in as full a degree as possible.

Examination of  
certain cattle  
belonging to  
persons in  
Dracut and  
Lowell.

*Approved April 29, 1897.*

**RESOLVE IN FAVOR OF ELISE B. DALE, WIDOW OF WILLIAM J. DALE, JR.** *Chap. 62*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Elise B. Dale, widow of William J. Dale, Jr., late a member of the board of railroad commissioners, who died on the fifth day of November in the year eighteen hundred and ninety-six, the sum of five hundred and thirty-four dollars and seventy-three cents, being the amount of salary which said William J. Dale, Jr. would have been entitled to receive had he lived until the thirty-first day of December in said year.

Elise B. Dale,  
widow of Wil-  
liam J. Dale, Jr.

*Approved April 29, 1897.*

**Chap. 63** RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AND IMPROVEMENTS  
AT THE STATE ALMSHOUSE.

State alms-  
house.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eleven thousand five hundred dollars, to be expended at the state almshouse under the direction of the superintendent and trustees, for the following purposes:— For repairing the old asylum for women at the south end of the yard, a sum not exceeding nine thousand dollars; and for changes in the maternity ward, a sum not exceeding twenty-five hundred dollars. The trustees of the state almshouse are hereby authorized to sell a certain lot of land belonging to the Commonwealth lying beyond the village. The proceeds of such sale shall be paid into the treasury of the Commonwealth.

*Approved May 6, 1897.*

**Chap. 64** RESOLVE PROVIDING FOR THE PURCHASE OF LAND FOR THE USE  
OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Massachusetts  
School for the  
Feeble-minded.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty thousand dollars, to be expended under the direction of the trustees of the Massachusetts School for the Feeble-minded, for the purchase in the name and on behalf of the Commonwealth of additional land for the use of said institution. Any purchase of land under the authority of this resolve shall be subject to the approval of the governor and council.

*Approved May 6, 1897.*

**Chap. 65** RESOLVE PROVIDING FOR THE ERECTION OF A BUILDING FOR THE  
STATE INDUSTRIAL SCHOOL.

State industrial  
school.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of eighteen thousand nine hundred and fifty dollars, to be expended under the direction of the trustees of the state industrial school, for the following purposes, to wit:— For the erection of a school building, including heating apparatus therefor, a sum not exceeding sixteen thousand dollars; for concrete walks, grading, drainage and water pipes, a sum not exceeding seven hundred and twenty-five dollars; and for furnishing said building, a sum not exceeding two thousand two hundred and twenty-five dollars.

*Approved May 6, 1897.*



## RESOLVE RELATIVE TO THE STATE PRINTING.

*Chap. 66*

State printing.

*Resolved*, That the chairman of the committee on printing on the part of the senate, the chairman of the said committee on the part of the house of representatives, the secretary, the treasurer, and the auditor of the Commonwealth, the clerk of the senate, and the clerk of the house of representatives, are directed to advertise for proposals for the execution of all the printing for the several departments of the government of the Commonwealth, except office stationery and blank books, for a term of three or five years from the first day of July in the year eighteen hundred and ninety-seven. They shall take into consideration the circumstances and facilities of the several bidders for the work as well as the terms offered; they may reject any bids received, and they shall award the contract, to be based upon a working day of nine hours and equal pay for equal work performed by men and women, at such rates as they shall decide to be equitable between employer and employed, and to such bidder as in their judgment the interests of the Commonwealth may require; and they shall execute such contract in the name and behalf of the Commonwealth. Bonds satisfactory to the said officers, to an amount not less than ten thousand dollars, shall be given by the party to whom such contract is awarded, for the faithful performance of the contract.

*Approved May 10, 1897.*

## RESOLVE TO CONFIRM THE ACTS OF SAMUEL W. FORREST AS A NOTARY PUBLIC.

*Chap. 67*

*Resolved*, That all the acts of Samuel W. Forrest of Lynn as a notary public, between the sixth day of March and the second day of June in the year eighteen hundred and ninety-six, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

Samuel W.  
Forrest, notary  
public, acts  
confirmed.

*Approved May 10, 1897.*

## RESOLVE IN FAVOR OF THE FAMILY OF THE LATE JOSEPH T. PEASE.

*Chap. 68*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the family of Joseph T. Pease late judge of probate and insolvency for the county of Dukes County, who died on the twenty-sixth

Family of  
Joseph T.  
Pease.

day of March in the year eighteen hundred and ninety-seven, the sum of five hundred and twenty-five dollars, being the balance of salary which the said Joseph T. Pease would have been entitled to receive had he lived and continued to serve as judge of probate and insolvency to the end of the present year.

*Approved May 10, 1897.*

**Chap. 69** RESOLVE RELATIVE TO THE AGENTS OF THE STATE BOARD OF EDUCATION.

Agents of state board of education.

*Resolved*, That the state board of education is hereby authorized to expend during the present year for the employment of agents, the sum of two thousand five hundred dollars, in addition to the amount appropriated by chapter ninety-six of the acts of the present year.

*Approved May 12, 1897.*

**Chap. 70** RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AT THE STATE LUNATIC HOSPITAL AT DANVERS.

State lunatic hospital at Danvers.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eighty thousand dollars, to be expended at the Danvers lunatic hospital under the direction of the trustees thereof, for the following purposes, to wit:— For two annex buildings for acute cases, a sum not exceeding thirty thousand dollars; for a cottage for female nurses, a sum not exceeding fifteen thousand dollars; for repairing the roof of the hospital, a sum not exceeding twenty thousand dollars; for renewing and repairing the plumbing and floors, a sum not exceeding five thousand dollars; and for a sewage plant, a sum not exceeding ten thousand dollars.

*Approved May 13, 1897.*

**Chap. 71** RESOLVE RELATIVE TO THE DISPOSAL OF THE OLD NORMAL SCHOOL BUILDING AT SALEM.

Disposal of the old normal school building at Salem.

*Resolved*, That the state board of education is hereby authorized and directed to sell at public auction the old normal school building at Salem, together with the land connected therewith, for a sum not less than ten thousand dollars; the proceeds of said sale to be paid into the treasury of the Commonwealth. The third paragraph of chapter ninety-one of the resolves of the year eighteen hundred and ninety-three is hereby repealed.

*Approved May 13, 1897.*

RESOLVE TO PROVIDE FOR A TABLET IN MEMORY OF THE LATE *Chap. 72*  
 MAJOR GEORGE LUTHER STEARNS.

*Resolved*, That the state house construction commissioners are hereby directed to cause a tablet, suitably inscribed, to be placed in Memorial Hall or in such other part of the state house as they may determine, in honor of the late Major George Luther Stearns, for the purpose of commemorating the part taken by him in securing the enlistment of colored troops, and the other valuable services rendered by him to the United States and to this Commonwealth in the war of the rebellion.

Tablet in memory of Major George Luther Stearns.

*Approved May 14, 1897.*

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MASSACHUSETTS HOSPITAL FOR DIPSOMANIACS AND INEBRIATES. *Chap. 73*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand five hundred dollars, to be expended at the Massachusetts hospital for dipsomaniacs and inebriates under the direction of the trustees thereof, for the following purposes, to wit:—For additional accommodations for shop and store rooms, a sum not exceeding three thousand five hundred dollars; for building a piggery, a sum not exceeding fifteen hundred dollars; and for building a coal shed, a sum not exceeding five hundred dollars.

Hospital for dipsomaniacs and inebriates.

*Approved May 18, 1897.*

RESOLVE TO PROVIDE FOR REBUILDING THE STATE FISH HATCHERY IN THE TOWN OF WINCHESTER. *Chap. 74*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, to be expended under the direction of the commissioners on inland fisheries and game, for the purpose of rebuilding the fish hatchery at Winchester in this Commonwealth. Said building shall be located on land now owned by the Commonwealth, in what is known as Middlesex Fells, provided that the necessary arrangements can be made with the metropolitan park commission; otherwise said commissioners on inland fisheries and game shall have authority to purchase land, not exceeding one acre, on which to erect said building.

State fish hatchery at Winchester.

*Approved May 21, 1897.*

**Chap. 75** RESOLVE TO PROVIDE FOR PRESERVING WAR RECORDS IN THE OFFICE OF THE ADJUTANT GENERAL.

Preservation of  
war records.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended by the adjutant general in preserving war records worn by age and use.

*Approved May 22, 1897.*

**Chap. 76**

Mary A.  
Healey.

RESOLVE IN FAVOR OF MARY A. HEALEY.

*Resolved*, That there be allowed and paid out of the Metropolitan Sewerage Loan Fund the sum of four thousand dollars to Mary A. Healey, widow of Stephen Healey who was killed on the thirty-first day of May in the year eighteen hundred and ninety-five, near the pumping station at Deer Island in Boston harbor, while in the discharge of his duties as an employee of the metropolitan sewerage commission.

*Approved May 22, 1897.*

**Chap. 77** RESOLVE TO PROVIDE FOR THE MILITARY REPRESENTATION OF THE COMMONWEALTH AT THE UNVEILING OF THE ROBERT G. SHAW MONUMENT.

Military representation at the unveiling of the Robert G. Shaw monument.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth the sum of thirty-six hundred and fifty dollars, to be expended under the direction of the governor, in order that the sixteen infantry companies of the Massachusetts volunteer militia stationed in the city of Boston, and two companies of the eighth regiment to be selected by the colonel of said regiment, may be ordered out for duty at the unveiling of the Robert G. Shaw monument in said city on the thirty-first day of May of the present year.

*Approved May 25, 1897.*

**Chap. 78**

Thomas Beetlestone.

RESOLVE IN FAVOR OF THOMAS BEETLESTONE.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to Thomas Beetlestone of Framingham the sum of two thousand dollars, in full compensation for injuries received by said Beetlestone while in the discharge of his duties as an employee of the Commonwealth at the state normal school in Framingham on the fifteenth day of April in the year eighteen hundred and ninety-six.

*Approved May 25, 1897.*

RESOLVE TO PROVIDE FOR THE ERECTION OF A STATUE OF MAJOR GENERAL BANKS. *Chap. 79*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty thousand dollars, to be expended under the direction of the governor and council for the erection of a statue of Major General Nathaniel Prentiss Banks, in the state house or on the grounds of the state house; and the governor and council are authorized to take such steps as are necessary to cause such a statue to be prepared, to select the position in which the same is to be placed, and cause the same to be erected. *Approved May 28, 1897.*

Statue of Major General Banks.

RESOLVE PROVIDING FOR CERTAIN IMPROVEMENTS AT THE TAUNTON LUNATIC HOSPITAL. *Chap. 80*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty thousand dollars, to be expended at the Taunton lunatic hospital under the direction of the trustees and superintendent, for the following purposes, to wit: For the construction of bay windows, enlarging the other windows and making other changes in the two middle wings, six thousand dollars; for general repairs, five thousand dollars; for building a gate house or lodge at the front entrance, five thousand dollars; for painting the outside woodwork, three thousand dollars; for new laundry machinery, five hundred dollars; and for new floors, five hundred dollars. *Approved June 2, 1897.*

Taunton lunatic hospital.

RESOLVE TO PROVIDE FOR THE ERECTION OF NEW BUILDINGS AT THE WORCESTER LUNATIC HOSPITAL. *Chap. 81*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eighty thousand dollars, to be expended at the Worcester lunatic hospital under the direction of the trustees thereof, for the erection of two new hospital wards: *provided*, however, that not more than forty thousand dollars shall be expended during the year eighteen hundred and ninety-seven; and *provided, further*, that no contracts shall be made for the construction of the hospital wards hereby authorized until the plans therefor have been approved by the governor and council; and such approval shall not

Worcester lunatic hospital.

Proviso.

be given until plans and estimates in detail shall have been submitted to the governor and council and they are satisfied that the cost of said hospital wards will not exceed the amount authorized to be expended by this resolve.

*Approved June 3, 1897.*

**Chap. 82**

Navigation of  
the Connecticut  
river.

RESOLVE RELATIVE TO THE CONNECTICUT RIVER.

*Resolved*, That the board of harbor and land commissioners be, and it is hereby authorized to inquire into the advantages which would accrue to this Commonwealth by the improvement of the navigation of the Connecticut river as far as the cities of Springfield and Holyoke, and to report to the next general court not later than the first day of February all facts concerning the present condition or possible improvement of the Connecticut river in respect to increasing the facilities for navigation, which may seem to said commissioners in any way pertinent to the interests of the Commonwealth. The commissioners may expend a sum not exceeding twenty-five hundred dollars to meet such expenses as may be necessary in carrying out the provisions of this resolve. *Approved June 3, 1897.*

**Chap. 83**

John C. Ken-  
nedy, justice of  
the peace, acts  
confirmed.

RESOLVE TO CONFIRM THE ACTS OF JOHN C. KENNEDY AS A JUSTICE OF THE PEACE.

*Resolved*, That all the acts done by John C. Kennedy of Boston as a justice of the peace, between the twentieth day of March and the twentieth day of August in the year eighteen hundred and ninety-six, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office. *Approved June 4, 1897.*

**Chap. 84**

School attend-  
ance and tru-  
ancy.

RESOLVE DIRECTING THE STATE BOARD OF EDUCATION TO REPORT A PLAN FOR CARRYING INTO EXECUTION ITS RECOMMENDATIONS RELATIVE TO SCHOOL ATTENDANCE AND TRUANCY.

*Resolved*, That the state board of education is hereby directed to report to the next general court before the second Wednesday in January, a plan for carrying into execution the recommendations submitted by said board in its report on the subject of school attendance and truancy, made in conformity with the requirements of chapter forty-seven of the resolves of the year eighteen hundred and ninety-five and chapter ninety-six of the resolves of the

year eighteen hundred and ninety-six. A sum not exceeding one thousand dollars shall be allowed and paid out of the treasury of the Commonwealth for such expenses actually incurred as may be necessary to carry out the provisions of this resolve. *Approved June 7, 1897.*

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RESOLVE TO PROVIDE FOR THE PREPARATION OF A SCHEDULE OF FORMS OF PLEADINGS IN CRIMINAL CASES.

*Chap. 85*

*Resolved,* That the governor, by and with the advice and consent of the council, shall appoint three persons learned in the law to investigate and report upon a plan for the simplification of criminal pleadings, and to prepare a schedule of forms of pleadings to be used in criminal cases. They shall receive such compensation from the treasury of the Commonwealth as the governor and council shall determine.

Preparation of schedule of forms of pleadings in criminal cases.

*Approved June 7, 1897.*

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RESOLVE RELATIVE TO PROVIDING A WATER SUPPLY FOR THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

*Chap. 86*

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventeen thousand five hundred dollars, to be expended by the trustees of the Massachusetts hospital for epileptics, together with any other sum appropriated for said hospital and not otherwise expended, for supplying said hospital with pure water; and said trustees are hereby authorized to contract with the town of Monson or with the board of water commissioners of said town for such supply of water, for such compensation and such term of time as said trustees may deem to be for the interest of the Commonwealth.

Water supply for Massachusetts hospital for epileptics.

*Approved June 7, 1897.*

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RESOLVE RELATIVE TO A BOULEVARD FROM WINCHESTER TO MIDDLESEX FELS AND TO A CIRCUIT BOULEVARD IN WOBURN AND WINCHESTER.

*Chap. 87*

*Resolved,* That the metropolitan park commission is hereby authorized and instructed to make an investigation as to the advisability of constructing a boulevard from Winchester to the Middlesex Fells and in Winchester and Woburn, over substantially the following route: — Beginning at Walnut street, in the town of Winchester, at the northerly terminus of a roadway, parkway or boulevard which is now being constructed by the metropolitan park

Boulevard from Winchester to Middlesex Fells, etc.

Boulevard from  
Winchester to  
Middlesex  
Fells, etc.

commission; thence running in a generally northeasterly and easterly direction to and entering the Middlesex Fells reservation in its northerly portion; also an extension of the said roadway, parkway or boulevard, beginning at a point near Cross street, in said Winchester, thence running in a generally northerly and northwesterly direction through the eastern portions of the town of Winchester and the city of Woburn to Woburn's park; thence running westerly through said park to and across Main street; thence in a westerly, southerly and southeasterly direction through the westerly portions of Woburn and Winchester to the westerly shore of Mystic lake, in Winchester; thence across the strait or channel which connects the upper and lower portions of said Mystic lake to and along the peninsula which separates the said portions of said lake, to and connecting with a roadway, parkway or boulevard which is now being constructed along the easterly shore of said lake by the said metropolitan park commission. And said commission is hereby directed to report the result of its investigations and its recommendations to the next general court.

*Approved June 8, 1897.*

**Chap. 88** RESOLVE TO PROVIDE FOR LOCATING AND MARKING THE BOUNDARY LINE BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF RHODE ISLAND.

Boundary line  
between Massa-  
chusetts and  
Rhode Island.

*Resolved*, That the commissioners on the topographical survey and map of Massachusetts are hereby authorized and directed, acting with any officer or agent who may be authorized or appointed for a like purpose by the state of Rhode Island and Providence Plantations, to locate, define and mark by appropriate monuments a series of straight lines along the jurisdictional line between the territory of the Commonwealth of Massachusetts and the state of Rhode Island and Providence Plantations, from the so-called "Burnt Swamp Corner", in Wrentham, southerly to the sea, said straight lines to follow as near as may be the line established by a decree of the supreme court of the United States dated the sixteenth day of December in the year eighteen hundred and sixty-one. Said commissioners shall make a full report of their doings hereunder to the next general court. For the purpose of fixing and marking said line a sum not exceeding three thousand dollars may be expended.

*Resolved*, That the governor of this Commonwealth is



hereby requested to forward a copy of these resolves to the governor of the state of Rhode Island and Providence Plantations, with the request that concurrent action be taken by said state.

*Approved June 8, 1897.*

RESOLVE TO PROVIDE FOR THE CONSTRUCTION OF A FENCE AROUND  
A PORTION OF THE GROUNDS OF THE MASSACHUSETTS HOSPITAL  
FOR DIPSO MANIACS AND INEBRIATES.

*Chap. 89*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen hundred dollars, to be expended under the direction of the trustees of the Massachusetts hospital for dipsomaniacs and inebriates for the construction of a fence around a portion of the grounds of said hospital.

Massachusetts  
hospital for  
dipsomaniacs  
and inebriates.

*Approved June 8, 1897.*

RESOLVE TO CONFIRM THE ACTS OF JAMES W. PICKERING AS A  
JUSTICE OF THE PEACE.

*Chap. 90*

*Resolved*, That all acts done by James W. Pickering of Somerville as a justice of the peace, between the fourteenth day of January and the eighteenth day of May in the year eighteen hundred and ninety-seven, are hereby confirmed and made valid to the same extent as though he had been during that time qualified to discharge the duties of said office.

James W. Pick-  
ering, justice of  
the peace, acts  
confirmed.

*Approved June 10, 1897.*

RESOLVE RELATIVE TO THE PUBLICATION OF BRADFORD'S MANU-  
SCRIPT HISTORY OF THE PLYMOUTH PLANTATION AND OF THE  
REPORT OF THE PROCEEDINGS OF THE JOINT CONVENTION OF  
THE SENATE AND HOUSE OF REPRESENTATIVES ON THE OCCASION  
OF THE PRESENTATION OF SAID MANUSCRIPT TO THE GOVERNOR  
OF THE COMMONWEALTH.

*Chap. 91*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to meet the expense of printing in suitable form Bradford's History of the Plymouth Plantation from the original manuscript presented on the twenty-sixth day of May in the present year to the governor of the Commonwealth, said publication to be accompanied by a report of the proceedings of the joint convention of the senate and house of representatives held on the occasion of the presentation of said manuscript to the governor. Said history and the accompanying report of the proceedings of the joint convention shall be printed under

Publication of  
Bradford's His-  
tory of the  
Plymouth Plan-  
tation.

Publication of  
Bradford's  
History of the  
Plymouth  
Plantation.

the direction of the secretary of the Commonwealth. Said report shall be prepared by a committee to consist of one member of the senate and two members of the house of representatives, and shall include, so far as practicable, portraits of His Excellency Governor Roger Wolcott, William Bradford, the author of said history, the Honorable George F. Hoar, the Honorable Thomas F. Bayard, the Archbishop of Canterbury and the Lord Bishop of London; facsimiles of pages from said manuscript history, and a picture of the book itself; copies of the decree of the Consistorial and Episcopal Court of London, the receipt of the Honorable Thomas F. Bayard for said manuscript history, and the receipt sent by his excellency the governor to said Consistorial and Episcopal Court; an account of the legislative action taken with reference to the presentation and reception of said manuscript history; the addresses of the Honorable George F. Hoar, the Honorable Thomas F. Bayard, and His Excellency Governor Roger Wolcott; and such other papers and illustrations as the committee may deem advisable. The secretary of the Commonwealth shall cause such number of copies of said publication to be printed as will be required for distributing the same as hereinafter provided; and he shall cause the same to be suitably bound. Said copies shall be distributed as follows: — To the governor, fifty copies; to the lieutenant governor, the members of the executive council, the secretary, treasurer, auditor, and attorney-general of the Commonwealth, five copies each; to the secretaries and messengers of the executive department, each one copy; to each member and officer of the general court for the year eighteen hundred and ninety-seven, twelve copies; to each doorkeeper, messenger and page of the general court, one copy; to each reporter regularly assigned a seat, one copy; to the members of the committee which prepare the report, twenty-five copies each; to the Honorable George F. Hoar and the Honorable Thomas F. Bayard, twenty-five copies each; to the state library, twenty copies; to each free public library in the Commonwealth, one copy; to each city and town of the Commonwealth in which there is no free public library, one copy; to each historical society in the Commonwealth, one copy; to the secretary of the Commonwealth for distribution at his discretion, five hundred copies.

*Approved June 10, 1897.*

**RESOLVE TO PROVIDE FOR THE ERECTION OF A NEW BUILDING AT THE WESTBOROUGH INSANE HOSPITAL.** *Chap. 92*

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty thousand dollars, to be expended at the Westborough insane hospital under the direction of the trustees thereof, for the erection of a new building for the treatment of acute cases: *provided*, that no contracts shall be made for the construction of the building hereby authorized until the plans therefor have been approved by the governor and council; and such approval shall not be given until plans and estimates in detail shall have been submitted to the governor and council and they are satisfied that the cost of the said building will not exceed the amount authorized to be expended by this resolve.

Westborough  
insane hospital.

*Approved June 10, 1897.*

**RESOLVE IN FAVOR OF THE TOWN OF NANTUCKET.**

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth to the town of Nantucket the sum of forty-four dollars and ten cents, being the amount expended in caring for four seamen who were wrecked on Nantucket bar on the twentieth day of April in the year eighteen hundred and ninety-seven, said seamen having no settlement in this Commonwealth.

*Chap. 93*

Town of Nantucket.

*Approved June 10, 1897.*

**RESOLVE TO PROVIDE FOR PRINTING AND DISTRIBUTING FIVE THOUSAND COPIES OF THE REPORT OF THE JOINT SPECIAL COMMITTEE APPOINTED TO MAKE AN INVESTIGATION AS TO CERTAIN CATTLE AT LOWELL AND DRACUT.**

*Chap. 94*

*Resolved*, That five thousand copies be printed, in pamphlet form, of the report of the joint special committee appointed to make an investigation as to certain cattle at Lowell and Dracut, to be distributed under the direction of the secretary of the Commonwealth.

Report of committee on certain cattle at Lowell and Dracut.

*Approved June 11, 1897.*

**RESOLVE TO PROVIDE FOR ADDITIONAL COPIES OF THE REPORT OF THE MASSACHUSETTS HIGHWAY COMMISSION.** *Chap. 95*

*Resolved*, That two thousand additional copies of the fourth annual report of the Massachusetts highway commis-

Additional copies of report of Massachu-

sets highway  
commission.

sion be printed and bound in cloth. Out of the number so printed each member of the present general court shall be entitled to receive five copies, and the residue shall be distributed under the direction of the commission. Beginning with the year eighteen hundred and ninety-eight there shall be printed annually four thousand copies of the report of said commission, and each member of the general court shall be entitled to receive ten copies.

*Approved June 11, 1897.*

**Chap. 96** RESOLVE IN FAVOR OF DEXTER AND ELBRIDGE GIGGER, MEMBERS OF THE HASSANAMISCO TRIBE OF INDIANS.

Dexter and  
Elbridge  
Gigger.

*Resolved,* That there be allowed and paid out of the treasury of the Commonwealth to the selectmen of the town of Gardner, an annuity of two hundred and fifty dollars, to be expended by said selectmen for the benefit of Dexter Gigger, also an annuity of two hundred and fifty dollars to be expended by the said selectmen for the benefit of Elbridge Gigger, members of the Hassanamisco tribe of Indians, for the rest of their natural lives, beginning with the first day of January in the year eighteen hundred and ninety-seven, and payable in equal quarterly instalments.

*Approved June 11, 1897.*

**Chap. 97** RESOLVE RELATING TO THE DISPOSAL OF THE SEATS IN THE SENATE CHAMBER.

Disposal of  
seats in senate  
chamber.

*Resolved,* That, in case the state house commission shall decide, under the authority granted by chapter five hundred and thirty-one of the acts of the year eighteen hundred and ninety-four, to sell the seats occupied by senators in the senate chamber, then said seats shall be appraised by appraisers to be appointed by said commission and each senator shall be given an opportunity to purchase one of said seats before they are offered to other purchasers; but in case any senator fails to purchase a seat at the appraised value within thirty days after being notified by said commission that said seats have been placed on sale, all seats not so purchased may be offered to other purchasers. Said commission may give such notice by a written or printed communication addressed to said senators at their post office address as stated in the manual of the general court, and such notice shall be deemed to be sufficient.

So much of chapter one hundred and eleven of the resolves of the year eighteen hundred and ninety-four as is inconsistent herewith is hereby repealed.

*Approved June 11, 1897.*

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RESOLVE EXTENDING THE TIME FOR THE REPORT OF THE JOINT BOARD OF HARBOR AND LAND COMMISSIONERS AND STATE BOARD OF HEALTH ON THE RESTORATION OF GREEN HARBOR IN THE TOWN OF MARSHFIELD.

*Chap. 98*

*Resolved*, That the time in which the joint board of harbor and land commissioners and the state board of health shall report on the restoration of Green Harbor in the town of Marshfield, under the provisions of chapter four hundred and ninety-five of the acts of the year eighteen hundred and ninety-six, be extended to the first Wednesday in January in the year eighteen hundred and ninety-eight: and that said board be authorized to report in print, with plans.

Report on  
restoration of  
Green Harbor,  
time extended.

*Approved June 11, 1897.*

## RESOLUTIONS.

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### RESOLUTIONS RELATIVE TO A TREATY OF ARBITRATION BETWEEN THE UNITED STATES AND GREAT BRITAIN.

Treaty of arbitration between United States and Great Britain.

*Resolved*, That the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, desire to express their deep satisfaction at the prospect of a treaty which shall establish a tribunal of international arbitration between this country and Great Britain, and join in the acclamation of joy and hope with which the enlightened men of both hemispheres receive this deliberate declaration of two of the foremost nations of the world that the principles of justice and the common methods of reasonable discussion shall henceforth supplant as far as possible in their relations the inhumanities of war. It is upon the common people that the unspeakable sufferings of war have always fallen, and it is the irresistible sentiment of the people in these two great countries of popular government that accomplishes this great advance toward a lasting and honorable peace among all nations.

*Resolved*, That a copy of these resolutions, properly attested, be transmitted by the secretary of the Commonwealth to each of our senators and representatives in congress.

*In House of Representatives, adopted, January 28, 1897.*

*In Senate, adopted in concurrence, February 2, 1897.*

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### RESOLUTION RELATIVE TO EXERCISES IN THE PUBLIC SCHOOLS COM- MEMORATIVE OF THE INAUGURATION OF THE PRESIDENT OF THE UNITED STATES.

Exercises in the public schools commemorative of the inauguration of the president of the United States.

*Whereas*, On the fourth day of March in the current year, there will be a change in the administration of the United States, one chief executive of seventy millions of people being succeeded by another; and as that date will

be the centennial of the inauguration of John Adams of Massachusetts as the second president of the United States, therefore, to the end that the children of the Commonwealth may appreciate the magnitude of the events occurring and commemorated,

*Resolved*, That the governor of the Commonwealth be authorized and requested to issue a proclamation recommending to the public school teachers of Massachusetts, by appropriate exercises in their schools commemorative of said events, to endeavor to impress upon their pupils the significance of the inauguration of a president of the United States and the importance of the part sustained by the Commonwealth in American history.

*In Senate, adopted, February 3, 1897.*

*In House of Representatives, adopted in concurrence, February 8, 1897.*

RESOLUTIONS IN SUPPORT OF NATIONAL LEGISLATION PROVIDING FOR AN INCREASE OF THE COMPENSATION OF LETTER CARRIERS.

*Whereas*, There is now pending before the house of representatives of the congress of the United States a bill to increase the pay of letter carriers; therefore, be it

*Resolved*, That our representatives in congress be requested to favor and to assist in securing an early day for the consideration of said bill; and be it further

*Resolved*, That a copy of these resolutions be forwarded by the secretary of the Commonwealth to the speaker of the house of representatives and to each of our representatives in congress.

*In Senate, adopted, February 11, 1897.*

*In House of Representatives, adopted in concurrence, February 12, 1897.*

RESOLUTIONS RELATIVE TO THE CONSTRUCTION OF A DRY DOCK AT CHARLESTOWN.

*Resolved*, That, in the opinion of the general court of Massachusetts, it is desirable that provision should be made by congress for the construction of a dry dock in the Charlestown district of the city of Boston sufficiently large to accommodate vessels of the largest class, and that the senators and representatives from this Commonwealth in congress are requested to use their best endeavors to

*In support of national legislation providing for an increase of the compensation of letter carriers.*

*Construction of a dry dock at Charlestown.*

secure the passage of legislation providing for the construction of such a dock.

*Resolved*, That properly attested copies of these resolutions be transmitted by the secretary of the Commonwealth to the presiding officers of both branches of congress and to the senators and representatives in congress from this Commonwealth.

*In House of Representatives, adopted, February 11, 1897.*

*In Senate, adopted in concurrence, February 16, 1897.*

#### RESOLUTIONS ON THE DEATH OF REPRESENTATIVE B. ALDEN NOURSE

On the death of  
representative  
H. Alden  
Nourse.

*Whereas*, The All Wise Father of us all has visited the house of representatives and taken from our midst our honored member, B. Alden Nourse, from the tenth Worcester representative district ;

*Resolved*, That, while in the demise of this esteemed member we recognize and bow in submission to the divine will, we fully realize the loss this house of representatives has sustained in his death ;

*Resolved*, That we fully sympathize with the citizens of his town in their loss, he having always been a prominent factor in all things tending to the best interest of the town ;

*Resolved*, That we sincerely mourn his loss and heartily sympathize with the bereaved family of our late fellow member ;

*Resolved*, That an engrossed copy of these resolutions be sent to the family of the deceased.

*In House of Representatives, adopted, February 16, 1897.*

#### RESOLUTIONS ON THE DEATH OF GENERAL DARIUS N. COUCH.

On the death of  
General Darius  
Nash Couch.

*Whereas*, The general court has learned with deep regret of the decease of General Darius Nash Couch, a major general in the army of the United States during the great rebellion. and in recognition of his eminent services to the state and to the nation has, by its joint committee, been represented at his funeral ; therefore be it

*Resolved*, That the general court recognizes and appreciates the devoted and patriotic labors of one who at the very outset of that great national struggle and until its successful termination, first as colonel of the seventh regi-



ment of Massachusetts volunteers, and afterwards through various grades of official promotion to corps commander in the Army of the Potomac, maintained the cause of national union and human liberty without fear and without reproach; and deems it a fitting tribute to his memory to offer this memorial of his worth and loyalty and to enroll him among the heroes of those historic days;

*Resolved*, That these resolutions be entered upon the journals of the general court and that a copy thereof be transmitted to his family.

*In House of Representatives, adopted, March 12, 1897.*

*In Senate, adopted in concurrence, March 17, 1897.*

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The general court of 1897, during its annual session, passed 530 acts and 98 resolves which received the approval of his excellency the governor.

Six acts, entitled respectively, "An Act to protect the estates of deceased persons from the prosecution of fraudulent claims", "An Act relative to the preservation of birds and game", "An Act relative to the sale of pure alcohol by dealers in paints and chemicals", "An Act to provide relief for the Société St. Jean Baptiste de West Boylston, Mass.", "An Act to authorize a state appropriation for the support of public schools", and "An Act relative to Green Harbor in the town of Marshfield", were passed and laid before the governor for his approval, and were returned, with objections thereto, to the branch in which they originated; were reconsidered, and the vote being taken on passing the same, the objection of the governor to the contrary notwithstanding, they were rejected, two thirds of the members present and voting thereon not having voted in the affirmative.

The general court was prorogued on Saturday, June 12, at 12.48 A.M., the session having occupied 158 days.

## INAUGURAL ADDRESS

OF

HIS EXCELLENCY ROGER WOLCOTT.

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At twelve o'clock on Thursday, the seventh day of January, his excellency the governor, accompanied by his honor the lieutenant governor, the members of the executive council, and officers of the civil and military departments of the government, attended by a joint committee of the two houses, met the senate and house of representatives, in convention, and delivered the following

## ADDRESS.

*Members of the General Court of Massachusetts :*

Your immediate predecessors had been in session but two months when the governor of the Commonwealth was called by death to lay down the great trust which he held at the hands of the people. Frederic T. Greenhalge was the first governor of Massachusetts of foreign birth since Thomas Gage, one hundred and twenty years before, sailed down Boston harbor from the rebellious town. His intense loyalty to the state and nation of his adoption, his courageous independence in the performance of what he deemed his duty, his constantly increasing strength to meet every demand which opportunity proffered or responsibility imposed, had won for him in a remarkable degree the confidence and respect of our people. Still earlier in the session the Commonwealth had lost in the prime of his mature powers another of her foremost citizens, George D. Robinson, who, like Governor Greenhalge, had been honored by repeated election to the governorship, and in equal degree had conferred honor upon the high office he held. His rugged honesty of

purpose, his vigor of thought and action and his successful administration of state affairs, rendered his term of office alike honorable to him and beneficial to the state.

When summer was at its height the death of still another of her well-beloved sons touched the heart of the Commonwealth with profound sorrow. Young, fearless, of unstained honor and exceptional mental and personal gifts, William E. Russell had deserved well of the state, and the future seemed to promise still greater usefulness and distinction. Widely separated as were their places of birth, different as were the conditions which surrounded their youth, these three men possessed the integrity, the resolution and the sense of the obligation of duty which we like to believe are characteristics of New England citizenship. May their example long be felt in the lesson it teaches of what manner of service Massachusetts demands of all whom she entrusts with responsible office.

We have reason to believe that the long period of business depression and loss to employer and employed will be soon ended and that a season of renewed confidence and consequent prosperity is at hand. During these years employment has been precarious and the profits of capital uncertain. Our people have endured the strain with courage and patience; they have deserved the reward which will follow a revival of industrial activity. Owing to the unprecedented conditions of the recent election it was not surprising to find the vastly preponderating majority of the citizens of this state ranged upon the side of sound finance and national honor. When these were threatened men of all parties were found fighting shoulder to shoulder to make secure in national affairs what had been the traditional policies of this Commonwealth. The victory won should confirm our confidence in popular government, and furnishes new evidence that our people have the intelligence rightly to discriminate, and the will rightly to decide.

#### STATE DEBT.

The net debt of the Commonwealth Jan. 1, 1896, was \$5,240,380.10; the net debt of the Commonwealth Jan. 1, 1897, was \$10,511,422.65. This increase is accounted for by the large amounts authorized for public improvements, of which the principal are the following:—

The loan for the abolition of grade crossings has been increased during the year by the issue of bonds to the amount of \$3,500,000, state house loans to the amount of \$1,125,000, and the state highway loan to the amount of \$500,000.

The above figures indicate clearly the necessity for a rigid scrutiny on the part of your honorable bodies of all estimates submitted by the several departments, and for the enforcement of a prudent economy in all appropriations.

#### BOSTON HARBOR.

The great importance of maintaining the position of Boston as the second commercial port of the country has given rise of late years to much discussion. The legislature of 1896, by concurrent resolution of the two houses, requested the senators and representatives of this Commonwealth in congress to use their best efforts to secure the appropriation of a sum of money adequate for deepening, straightening and widening existing channels in our harbor to the depth of 30 feet at mean low water, and to the width of not less than 1,200 feet, and for opening a fair water way for vessels of the largest class through Broad Sound into the President Roads. These efforts were in great degree successful, and resulted in the insertion in the rivers and harbors act passed by congress in June, 1896, of a provision for dredging the main ship channel to a minimum width of 1,000 feet, and a minimum depth of 27 feet. Authority is given for the prosecution of the work under the continuing contract system, and it is therefore not likely to be interrupted. Contracts are authorized for an amount not to exceed \$1,145,000, or nearly one half of the aggregate sum expended in the improvement of Boston harbor since 1825.

The Commonwealth supplemented this liberal action of the national government by appropriating the sum of \$150,000, to be expended by the board of harbor and land commissioners in dredging between the main ship channel and a line 50 feet outside the harbor line. This great undertaking was not begun too soon. The narrow and tortuous channel, which in the past was fairly adequate for the commerce of the time, had become a positive danger for the vessels of far greater length and draught which are now in use. Commerce easily leaves a port where it is

subjected to perils, inconveniences or exactions. In this connection the report which will be early presented to you of the state board on docks and terminal facilities will claim your considerate attention. I recommend that authority be given to the board of harbor and land commissioners to make such regulations as shall abate the danger and nuisance caused by the common practice of continuing into our restricted harbors the towing of three or more vessels in a line of unnecessary length. This may be open to no grave objection on the high seas, but seriously impedes navigation in port.

#### METROPOLITAN DISTRICT.

The commission appointed in 1891 to investigate the advisability of establishing a general government with limited powers for the city of Boston and the surrounding cities and towns, generally known as the metropolitan district, presented its report to the legislature of last year. The commissioners note the increasing interrelation of interests within the proposed district in such matters as water supply, sewerage, parks, highways and means of transportation, and recommend that the people of the several cities and towns interested be given an opportunity to vote upon the main question of the establishment of a form of county government for the metropolitan district. The legislature of last year referred this important matter to the next general court, and it will therefore come before you for consideration and action.

It is gratifying to know that the work of supplying adequate facilities for the disposal of the sewage of the large population resident in this district is well advanced and will be soon completed. You will be asked to decide whether, for the purpose of securing unity of ownership and control, it may not be wise for the Commonwealth to take into its possession the main trunk sewer, pumping station and outfall of the Boston system, at a fair valuation.

The metropolitan water board, which was organized in July, 1895, has been actively prosecuting its work during the past season, and has made satisfactory progress. The building of the aqueduct, 12 miles in length, to connect the Nashua river at Clinton with the reservoir in process of construction in Southborough and Marlborough has

been begun, and the work so far advanced as to leave little doubt of its completion early in the year 1898. This reservoir will be substantially completed by the close of the present year, and early in the year 1898 the waters of the south branch of the Nashua river can be stored in this new reservoir and be added to the existing supply of the metropolitan district. The larger part of the work of laying one of the two projected lines of 48 inch main pipes from the Chestnut Hill Reservoir has been already accomplished, and it is expected during the present year to complete the connection of all the cities and towns in the district with the Chestnut Hill Reservoir. Much has been done preliminary to the actual building of the great dam at Clinton and the construction of the reservoir on the Nashua river, which is to submerge very considerable portions of the territory of the towns of Boylston and West Boylston. The fuller investigations have developed no unforeseen obstacle to the completion of the great scheme adopted by the legislature of the year 1895, for furnishing to the city of Boston and the cities and towns within the ten-mile radius an adequate supply of excellent water for many years to come, with ample opportunities for extensions from time to time to provide for the needs of the more remote future. The serious apprehensions occasioned by a light rainfall during the past summer, and the approach which several of the cities and towns have already made to the limit of their present possible sources of supply, have anew demonstrated the need of this great work, — the greatest single enterprise ever undertaken by the Commonwealth.

It is to be remembered that the cost of construction is to fall eventually upon the various cities and towns constituting the district, and that the Commonwealth will be fully reimbursed by these municipalities for all its expenditures. The latter will, on the other hand, profit by thus obtaining water not only in ample abundance but better in quality and at rates lower than the present cost, and much less than would result if the municipalities were to seek different sources for their growing needs and to construct independent works.

Two important takings of land have been made this year by the metropolitan park commissioners under the boulevard act of 1894: the first being of lands and existing streets for the Blue Hills parkway connecting with

the Boston park system at Mattapan Square ; the other of lands for the completion of Middlesex Fells parkway. These acquirements provide for easy approaches by broad avenues to each of the great woods reservations of the metropolitan system. Their total length is 8.97 miles.

The reservations acquired under the park act of 1893 remain practically the same as last year. The total area of the reservations now under the control of the commissioners is nearly 7,000 acres.

The funds appropriated to the use of this board aggregate, under the park act, \$3,300,000, and under the boulevard act, \$1,000,000.

This amount, together with all future additions thereto, is ultimately to be apportioned among and borne by the several cities and towns within the district. The commissioners recommend the acquisition of additional reservations along the banks of Charles river, upon the shores of Quincy Bay and at Winthrop. Owing to the increasing population and consequent increasing values of all lands within the district I think the ultimate territorial limits of the park system should be reached at an early day, and that the several parts of it should be rendered reasonably accessible, and should be made safe by an adequate police force, both against disorderly use and against forest fires. But the magnitude of the present and future cost, the burden of which is not yet felt by the municipalities concerned, may properly suggest moderation in the elaborate and expensive development of the areas reserved.

#### STATE INSTITUTIONS.

The charitable, penal and reformatory institutions of the state I believe to be generally well and humanely administered. It is true however that there is a lack of uniformity of system in the responsible control of these institutions, and, although this may not as yet have proved in any fatal degree detrimental to good administration, yet, so long as improvement is possible in either system or method, it is the duty of the state to strive with all its zeal and all its wisdom to attain this improvement. The legislature of 1896 provided for the appointment of a commission to investigate the charitable and reformatory interests and institutions of the Commonwealth and to report thereon before the first day of February in the

year 1897. It is not my purpose to forestall the recommendations of this commission, nor need I ask for them your considerate attention. Humanity and interest alike will cause you to weigh carefully whatever conclusions the report of the commissioners may present.

The opening of the Medfield insane asylum in May last, and the occupancy of a portion of its buildings by patients transferred to it from the other lunatic hospitals, relieved in a considerable degree the overcrowding of those institutions.

Under the direction of the board of trustees of the Massachusetts hospital for epileptics three new buildings are rapidly approaching completion on the site of the old state primary school at Monson.

An elevated and healthful site in the town of Rutland has been secured for the Massachusetts hospital for consumptives and tubercular patients, and the work of building is well advanced. In my opinion the title of this institution should be changed to one less repellent and discouraging to its future inmates.

At the state prison and at the reformatory prison for women the number of inmates has increased, but the cost of support has been reduced. The number at the Massachusetts reformatory is, on the other hand, less than in the previous year. The industries maintained in these prisons show a general improvement both in the amount and quality of goods produced, and a corresponding increase in the pecuniary result. The problem of providing industrial occupation in the county houses of correction is however not yet solved, and their condition cannot in this respect be considered satisfactory.

Difficulty and embarrassment have arisen in the application of the so-called parole law, and its benefit to the prison in its present form is open to some doubt. The principle of the law in holding out encouragement and reward for good conduct is excellent, and should be retained in any amendment or redraft of the act which your wisdom may suggest.

#### PUBLIC EDUCATION.

In 1894 the legislature authorized the establishment of four normal schools in addition to the six then in existence. Of these new schools that at Fitchburg took possession



of its new building in December, 1896. The North Adams school will be open in its new building in February, 1897. The Lowell and Barnstable buildings are nearly completed, and the schools will be organized in September, 1897.

In 1896, for the first time in the history of our normal schools, candidates for admission were required not only to be graduates of high schools but also to pass examinations in high school as well as in elementary subjects. This policy, it is believed, not only will improve the high schools, but also will enable the normal schools to place increased stress on the purely professional side of their work, and thus increase its efficiency.

Of the 12,275 teachers employed in the state during the last school year 4,540 have attended normal schools. Of this number 3,903 are normal school graduates. The great need of our schools to-day is competent and well-trained teachers. I hope you will carefully consider the expediency of setting a time in the not distant future after which no person shall be employed as a teacher in the public schools without some minimum of professional training.

The supervision of our public schools by superintendents has been productive of much good. This policy has developed in a voluntary way under state encouragement, until now it extends to 94 per cent. of our population. The limits of its voluntary extension have been nearly reached. A policy so overwhelmingly indorsed by public sentiment may well be made universal and permanent.

The vast sums of money annually expended upon our public schools,—the amount was \$11,829,191 the past year,—as well as the noble purposes sought through such expenditure, justify extraordinary pains in bringing the schools under wise and constant directorship, and in securing for them the best teachers, whose zeal and freshness of interest and method should be stimulated in every possible way.

#### THE NAUTICAL TRAINING SCHOOL.

The nautical training school, although controlled by a special board of commissioners, is in reality a part of the educational system of the state. It is conducted at a necessarily considerable cost per capita, for the purpose

of furnishing to a limited number of young men a thorough technical education in seamanship and navigation, as well as in the ordinary branches of study. In time of national emergency the naval service of the United States would doubtless secure from the graduates of this school a most valuable class of well-trained and well-educated seamen. To a seaboard state like Massachusetts, which has a history and we trust a future of maritime achievement and prowess, the importance of fostering this department of effort need not be argued. Recognizing this importance the national government has placed a vessel at the disposal of the Commonwealth, without further cost than that of maintenance and repair, and details from the naval service a sufficient number of officers, whose half pay is supplemented by salaries from the treasury of the state. The school is, in my opinion, performing successfully, and with such economy as may wisely be exercised, the purposes for which it is maintained. The cadets who finish the full course of study find ready employment at good pay in the merchant marine as capable engineers or navigators. This service is one of some hardship, and the preparatory training, if it is to serve its purpose, must be such as to invigorate rather than to enervate. The summer cruise of the "Enterprise" to foreign ports is intended to afford an opportunity to put into practical operation the knowledge of seamanship which has been acquired from text-books during the winter months. On her recent cruise a form of throat trouble of obscure origin broke out, and, although the cases were limited in number and generally not severe in character, two deaths directly traceable to it occurred at about the time of her reaching this port. This sad occurrence naturally led to a formal investigation by the commissioners of certain charges of insufficient food and official misconduct preferred by the father of one of the young men who died. As the result of this investigation the commissioners feel warranted not only in exonerating from blame but in highly commending the general management and conduct of the commander and other officers of the "Enterprise," with one exception, and this commendation I believe to be deserved. In the exceptional case referred to it is cause for profound regret that any officer holding the commission of the United States, and placed in a position of so great responsibility and influence over one hundred young men,

should have subjected himself to the degree and character of censure visited upon him in the report. This officer has been detached from the service of the Commonwealth.

#### TEMPERANCE.

I think that no well-informed person can doubt that the cause of temperance gains steadily, although the gain may be slow. Legislation is restrictive, supervision is more strict than formerly, intoxication is less generally condoned as an incident of sociability or a pardonable weakness, and is more clearly seen to be a vice in itself and the prolific parent of crime and wretchedness. It is not probable that our community will tolerate any reversal of this progress. Public opinion, if disinclined to carry legislation far in advance of probable enforcement, will yet be ready from time to time to make such further advances as sound discretion and experience may suggest. In the immediate present it seems to me wiser to concentrate enlightened effort upon the more thorough enforcement of existing legislation than to venture inadvisedly upon new experiments. Local option, on the whole, has proved reasonably successful. When a municipality votes in favor of license the maximum number of licenses that may be issued therein is limited in a fixed ratio to the population. Within this limit the determination of the number and kind of licenses, the locality and other conditions, is vested in the discretion of a board, either elected by the people or appointed by some other authority. This discretion should not be controlled by the wishes or probable profits of those desiring to sell liquor, but by the interests of the public. The voting unit is the municipality, and while, in certain sections of cities where opposition is strong, just so many licenses and no more should be granted as will prevent illegal selling and satisfy the demand of the locality, this exclusion or rigid limitation of saloons in certain wards should not have the effect of unduly multiplying them in other wards. There is no part of a great city which is not residential, and the interests of all should be equally regarded.

#### THE MILITIA.

It is gratifying to receive the favorable reports of the officers of the United States Army detailed annually by the national government to inspect the militia of the Com-

monwealth. These officers are men of distinction and wide military experience, and may be supposed to be free from local or personal bias. They commend highly the personnel and discipline of our militia, and its excellent appearance in drill and equipment. From my own observation as well as the reports of others I am assured that in the main an excellent spirit pervades the several commands, and that the efficiency of the troops is constantly improving. When breaches of discipline occur they are promptly investigated and punished. In the community at large, and still more in the officers' quarters and in the tents of the privates, the old idea of the militiaman, whose drill was a farce, who regarded camp duty as a time for boyish pranks, and to whom intoxication in others if not in his own person was a common incident, is giving place to the idea of a citizen soldier, well-drilled and well-behaved, with a pride in the good repute of his command, and, as should be the case, himself setting the example of orderly citizenship. In the several organizations there is noticeable a spirit of enthusiasm and generous emulation, and this is likely to be continued and strengthened so long as in the conduct of all regimental affairs the best good of the command shall be the controlling factor, rather than personal or social considerations.

#### TAXATION.

The modern community is called upon to do much for its citizen. It must secure his person and property from violence, and so far as possible from accident; it must guard his health against certain insidious dangers arising from contagion, impure water, diseased meat, and other sources which the individual citizen would be powerless to resist; it must provide him with public parks and public libraries; it must exercise a careful scrutiny over the institutions in which he deposits his savings, and must see that private corporations are not fraudulently established or conducted; it must insist that quasi-public corporations, which receive exclusive privileges, shall make an adequate return to the community in the excellence and cheapness of their service, or in a direct payment for the franchises they receive; it must maintain public schools, courts of justice, and unhappily also prisons, reformatories, almshouses and lunatic hospitals. I have enumerated but a

part of the functions of the modern state. With the progress of invention and the greater complexity of social life it is probable that these functions will increase in the future. How best to raise by taxation the vast sums of money required to meet these demands of a progressive civilization is a problem of great difficulty, which has not yet found its ultimate solution. Under any method the burden must be a heavy one, and the individual on whom it rests is more apt to regard the weight of the tax than the adequacy of the equivalent which he receives. Any system, however sound or complete in theory, is condemned when it is so difficult of enforcement that any considerable number of those justly liable escape their share of taxation. So far as such injustice exists taxation becomes oppression. It is doubtful whether absolute equality can be attained, but in my opinion it is possible to approach it more nearly than is at present accomplished. Simplicity and equality of incidence—and this equality of incidence may be reached either directly or indirectly—are more important than theory or logic. The system now in operation in this Commonwealth is regarded by many as unsatisfactory. It either goes too far or does not go far enough. It aims to reach all property, of whatever nature and wherever situate, the ownership of which is held within this Commonwealth. This it admittedly fails to accomplish. It is true also that the varied investments of the man of large means are more likely to secure immunity from taxation than the more localized property of the man of moderate estate. Recognizing the wide-spread dissatisfaction with the operation of our present laws of taxation, the great complexity and difficulty of the problem, and the vast importance of a just and rational system of taxation to the content and welfare of our people, as well as to the commercial and industrial prosperity of our Commonwealth, the legislature of 1896 wisely provided for the appointment of a commission “to obtain, collate and report facts concerning taxation, present a summary of conclusions to be drawn therefrom, and suggest any changes advisable in the laws of the Commonwealth relating to taxation,” the final report of the commission to be presented not later than the first day of October, 1897. In making the appointments upon this commission I endeavored to select men who should fairly represent different interests and occupations in the community, but who were not to my

knowledge publicly committed as advocates either of the present system or of any substitute therefor, believing that these should be rather heard as witnesses by the commission than themselves constitute the commission. If this commission shall succeed in making such wise and just recommendations as shall result in rendering taxation in Massachusetts more equitable and less onerous it will be a service of great value to the Commonwealth. Until their report is rendered you will probably consider it unwise to make any important changes in the laws now in operation.

#### STREET RAILWAYS.

The essential difference between street railway companies and railroad corporations lies in the fact that the former have the right to use, in common with other citizens, the public highways, whereas the latter have the exclusive use of their road beds. In contemplation of law this right to use the public ways is granted such companies on the sole ground that it is for the "interest of the public" that they be allowed so to do; this phrase recurring repeatedly in the statutes authorizing boards of aldermen in cities and the selectmen of towns to grant, refuse, extend and revoke locations. In theory therefore the granting of a location is an accommodation to the public, and not a privilege or gift to the railway company; the franchise being granted solely for the convenience of all the citizens as a method of affording cheap and convenient transportation over public ways. Upon this theory, if it is found that the right of thus using the streets is profitable beyond a moderate return upon the capital actually invested, it is just to require that the fares be reduced or the service improved. If this remedy were proved in practice to be easy of application it would afford the best solution of a vexed problem. But this has not been found to be the case, and, in consequence, contrary to the theory of our existing law, these grants have often proved of great pecuniary value to the companies receiving them. This has led to a general demand that a direct return shall be made to the treasury of the municipality, either by a fixed rental or tax, by a toll upon the cars using the streets, or by a percentage of receipts or profits. This can be justified only upon a different theory; namely, that a valuable right is granted to the company, and therefore is taken away from the

public. If such a direct return is exacted it seems just, on the other hand, that the company, under a proper agreement, should, for a limited period, have the assurance that its franchise should not be revoked through caprice, unreasonable hostility, or the lure of a higher bid from would-be competitors. It is possible that in some municipalities one of these conflicting theories might be more acceptable, whereas in others the public convenience might be better served by adoption of the other. Under existing legislation there is no authority to impose any tax whatever. I recommend that this authority be granted.

The original theory of the street railways doubtless contemplated the granting of locations in the streets of a single town, or at most in the streets of two adjacent towns. But the improvements in electrical appliances have led to formation of companies for operating lines of considerable length, passing through the territory of several towns. In these cases, and perhaps in all cases, it is a question whether there should not be the right of appeal from the local municipal board upon questions of public convenience, to some higher tribunal, such as the board of railroad commissioners.

#### GRADE CROSSINGS.

Chapter 420 of the Acts of 1890 is the principal act under which the work of abolishing grade crossings is now being conducted; but there have been many special acts in addition thereto. Under these several acts, with three important exceptions, the usual apportionment of the cost is as follows:—The Commonwealth pays 25 per cent., the cities and towns 10 per cent., and the railroads 65 per cent. This work upon which the state has entered is of great magnitude, and now constitutes one of the principal items of its expenditures, the net outlay on the part of the Commonwealth having already reached the sum of \$2,163,457. This large sum is wisely spent in making more secure the lives of our citizens.

#### THE BOSTON TRANSIT COMMISSION.

The Boston subway is being constructed by a commission of five members, two appointed by the governor of the Commonwealth, and three by the mayor of the city of Boston.

The city of Boston owns the subway and pays for its construction.

Work upon this great public improvement in our capital city was begun on the 28th of March, 1895, and about one half of the total work has been done.

The city of Boston, by the Boston transit commission, acting under the authority vested in it by the legislature, has lately granted to the West End Street Railway Company for the term of twenty years, subject to certain reservations, restrictions and limitations, the entire use of the subway for locations of the railway tracks of said company, and for other purposes expressly enumerated in the contract. It is estimated that the annual payments required by this contract will be sufficient to meet the interest on the debt incurred for construction, and also to establish a sinking fund which will pay the principal of the bonds at their maturity, thus avoiding any addition to the tax levy in consequence of the building of the subway.

This contract has received the required approval of the board of railroad commissioners. The provisions of the contract appear to be fair to the company, and at the same time adequately to protect the rights and interests of the city of Boston and of the public. The action of the commission in placing the entire control of the subway in the hands of a single responsible corporation meets with my approval, as the best means of insuring safe and efficient service.

It is expected that before the end of the session upon which you are now entering the subway will be open for traffic from the entrance on the Public Garden to Park street, and that Tremont street will be relieved of all Boylston street cars which now reverse at the Granary burying ground. Upon the completion of the subway to the northern station, not only the cars but the tracks will be removed, as required by law, from Boylston and Tremont streets between Park Square and Scollay Square. Other streets adjacent to the subway within prescribed limits may also be cleared of such tracks as in the opinion of the commission are no longer necessary.

The Boston transit commission was further required to build a new bridge across the Charles river between the Charles river bridge and the Warren bridge. The location and design of this bridge have been determined and



have received the approval of the harbor and land commissioners. The United States, by the secretary of war, thereto duly authorized, has issued its license, and the work is in progress. It is expected that the bridge will be open for use by the close of the year 1898.

Until the full benefit is realized from these two great constructive works it will, in my opinion, be unwise to burden with new servitudes the principal streets in the congested district of the city.

#### SALARIES.

During the past three or four years there has been presented at each session of the legislature a large number of petitions for the increase of certain salaries paid to public officers, the number of such petitions averaging thirty or forty each year. The legislature has shown a disposition to regard favorably certain of these petitions, and in 1895 passed several acts increasing salaries, all of which were vetoed by my immediate predecessor, on the ground that the time was not opportune for such action, while admitting however, "that many inequalities are to be found in the scale of salaries as now established in the various departments of the Commonwealth, which ought at some suitable time to be adjusted or corrected." It is true that during the past years of industrial depression and uncertainty the man dependent upon a fixed salary has relatively fared better, especially in view of the cheapened necessities of life, than the professional or business man. I do not think that the improved conditions of trade and business would yet warrant, or that the people would approve, any very considerable increase in the salary list of the Commonwealth. But if the legislature of this year shall determine wisely to deal with certain cases where the inadequacy of the salary is plainly manifest I believe that the justice of their action would be conceded by all. In a limited number of cases, which should receive careful consideration, the duties and responsibility of an officer have been largely increased by recent legislative action. The subject should be approached by the proper committee with keen scrutiny, with a due regard to wise economy, and with a constant recognition of the truth that in applications for increase of salary, as in applications for appointment to office, the importunity of the petitioner or his friends seldom furnishes the best test of desert.

## STATE BOARD OF HEALTH.

The information collected by the state board of health from all portions of the state shows that the past year has been free from the unusual prevalence of disease.

The state of Massachusetts has for a succession of years made liberal appropriations for the work of its health board, and the returns are satisfactory. Investigations carried on in the laboratories under its direction have given the world a better knowledge than it before possessed of the qualities of water and the best means for securing its purity, and of the means for so treating sewage that it shall cease to be offensive and harmful. The work of examining articles of food and drugs, and supervising the execution of the laws to prevent their adulteration, has been diligently carried on.

A great saving in life has resulted from the distribution of the antitoxin of diphtheria, prepared in the state laboratory. Inquiries into the laws which govern the origin and spread of the preventable diseases have been actively carried on, and the results have been from time to time made public.

Special investigations have been made during the year with regard to a system of sewerage for Salem and Peabody, and with regard to the sanitary condition of the valley of the Neponset river. The conclusions of the board upon these important subjects, which necessarily affect many lives and much property, will be laid before you.

The improvement of the Concord and Sudbury rivers has been brought to a satisfactory conclusion within the appropriation made for that purpose.

## TUBERCULOSIS IN CATTLE.

I commend to the most careful consideration of your honorable bodies the question of the eradication or limitation of this disease in cattle. The conditions affecting its presence in cattle and its transmission to man are to be determined by scientific investigation, and in the countries of Europe, as well as in our own land, are better understood than when the danger was first realized. There can be no doubt that in the advanced stage of the disease, especially when it has attacked the udder,

the milk as well as the meat of the animal so diseased may convey the tubercle bacillus, and therefore become a grave danger when taken into the human system. If sterilization were universal the danger from milk so affected would be removed. In the earlier stages of the disease the danger is regarded by many competent authorities as slight, but it must be remembered that the tendency of the disease is constantly to advance. The existing law restricts the use of tuberculin to cattle brought into the Commonwealth from any point without its limits, and to cattle held at certain quarantine stations, but provides that it may be used, on the consent in writing of the owner, upon animals in any other portion of the state, and upon animals condemned as tuberculous upon physical examination.

This restriction expires by limitation on the first of June, 1897. The community is yearly becoming better informed on this subject and therefore better prepared to adopt measures which shall be inspired neither by an exaggerated alarm on the one hand nor on the other hand by an unreasoning opposition to necessary sanitary precautions. With the co-operation of local boards of health, and with the dissemination of accurate information on the subject by the board of agriculture and other agencies, it may be expected that the action of the state will be reinforced by the normal, healthy pressure of customer upon dealer, in demanding a general improvement in the sanitary condition of dairies, and their immunity from this dread disease through the application of this test, undoubtedly the most reliable yet discovered. Whatever general line of policy your wisdom may adopt I ask you to consider two suggestions:—Is it right or wise that, as now, the state should pay full value for animals that have reached the most advanced stage of general tuberculosis and udder tuberculosis? Such animals should be sought out by means of a thorough, periodic inspection, and slaughtered as being not only worthless, but a source of danger to the rest of the herd as well as to the community. At present the owner has no motive to check the disease in its earlier stages. If compensation were graded according to the condition of the animal as revealed by autopsy the owner would have a direct interest in purging his herd of infected animals before they become worthless. Secondly, I think the commissioners

should in any event have sufficient means at their disposal to enable them to test with tuberculin all cattle the owners of which request such inspection.

#### THE GYPSY MOTH.

Whether the state shall continue its present method in dealing with this pest is one of the questions of great difficulty which will be presented to you. The entire extermination of the insect by the present agencies may appear well-nigh impossible, yet it seems to have been proved that its ravages may be restricted in locality and diminished in amount. It is clear that it cannot safely be left to be dealt with by private effort. Better results may in the future be attained by improved insecticides, but many believe that the only final remedy lies in the discovery of some parasite which shall prey upon this fell destroyer of vegetation. In both of these directions the work of scientific investigation is being pursued, with results that afford some degree of encouragement. Efforts in these directions should be stimulated rather than relaxed. Your honorable bodies will doubtless appropriate such sum as they may deem wise to expend for the protection of the community against this imported pest; but whatever this sum may be I deem it my duty emphatically to urge that an adequate portion of it should be made available before the young caterpillars are hatched, for at this time it can be expended with the greatest economy and best results.

#### TRUST COMPANIES.

I concur with my immediate predecessor in asking the legislature carefully to consider whether restrictive legislation is not needed relative to trust companies. These companies transact a general banking business, and in addition thereto receive and manage trust funds on decrees of courts or by bequests of individuals. In acting as such trustees they are not required to furnish sureties on their official bonds. The number of these companies is rapidly increasing, and special charters for their incorporation have been granted by recent legislatures with considerable freedom. Owing to the importance and peculiar nature of the functions which they perform it is

probable that equal accommodation to the public and a greater degree of security are to be gained by the operation of a moderate number of strong companies in the centres of population, rather than of a multiplicity of companies scattered through the smaller communities, which may not afford a proper field for the business they conduct. It would seem possible to frame a general act permitting the incorporation of such companies under proper restrictions, and subject to the approval of the savings banks commissioners, and this course would relieve the legislature from the importunity of individual petitioners; but in any event I suggest extreme caution in granting charters, to the end that the public may be properly guarded from speculative and insecure financial methods, and in my opinion it will be found in the long run unwise to grant such charters except in cases where a considerable capital is ready to be embarked in the enterprise.

#### STOCK SPECULATION.

The frequency with which those intrusted with the funds of others prove faithless to their trust, and the wide-spread loss and distress consequent upon their acts, may well suggest the inquiry whether it is possible, through legislation, to interpose additional safeguards for the protection both of the individual and of the community. In many cases the criminal act is directly traced to speculation in stocks, and at the outset there is often an entire absence of criminal intent. I ask you to consider:—First, whether, in the case of state and municipal officers who have the custody of public funds, stock gambling—that is, the buying or selling of stocks on margin—should not be forbidden by law, under proper penalty, or be made by statute cause for removal from office:—Secondly, whether this principle may profitably be extended to treasurers of quasi-public and private corporations, and to trustees under private instruments.

#### THE BOARD OF ARBITRATION AND CONCILIATION.

The past year has fortunately not been marked by any protracted strike or lockout in this state, and the work of this board has been of about the average amount. The board notes that the proportion of cases settled

through formal arbitration, as distinguished from conciliation, has been somewhat larger than in former years. Under the former of these methods the two parties to a controversy submit their differences to the board, and agree in advance to abide by its decision. Under the second method the board tenders its good offices to the contending parties, and the final agreement when reached is the act of the parties themselves, and not, as in the other case, the decree of the board. This increase in the cases of arbitration would appear to indicate that the board is gaining in the confidence both of employers and of organized labor.

#### THE CIVIL SERVICE.

Massachusetts adheres to the system, early adopted, of opening the classified civil service of the state and of her cities to all citizens, upon merit tested by open competitive examination. There are now included in the classified service over 6,000 public positions, with an aggregate annual pay of over \$5,000,000. The classification has been gradually extended, and quite recently, with the approval of the acting-governor and council, a considerable addition has been made, under which the civil service act and rules will apply to several new and important classes of municipal officers and employees.

The civil service commissioners will report to you the recently approved amendments of the rules intended to give full force and effect to the veteran preference act of last year. The act has lately been declared constitutional, in the opinion of a majority of the justices of the supreme judicial court; and the commissioners express the desire, in which I concur, that, inasmuch as the long controversy in the legislature and before the courts has been settled by the enactment of a law giving, within the limits of the constitution, due recognition to the just claim of the veterans to be preferred in appointment to public office, the act and the new rules under it may be regarded as the final legislation upon the subject.

#### HIGHWAY COMMISSION.

The work of the Massachusetts highway commission has made excellent progress during the past year. About 47 miles of road have been built, making a total of about 109

miles completed under the direction of the commission. These state roads are everywhere looked upon as furnishing the standard of excellence in highway construction, and in addition to the influence they exert upon local authorities they have an educational effect beyond the limits of this Commonwealth, for they are annually visited by delegates from all parts of the United States, who are anxious to copy our methods and secure the results of our experience. That this department of state work is highly appreciated by our people is shown by the increasing demand in every part of the Commonwealth for the extension of highways already constructed, and for the beginning of new lines. It should be remembered that the commissioners are required by statute to distribute the outlay as equally as possible among the several counties of the state, and that the county benefited pays 25 per cent. of the amount expended within its territory, while the remaining 75 per cent. is borne by the Commonwealth. I think the best results will be attained by the continuance of the work on a scale of expenditure which shall not vary greatly from year to year. This would enable the commissioners to plan for the future with greater certainty, and thus to secure the best results at the least cost. With a view to the most economical expenditure of whatever sum is appropriated it is important that it should be available at the opening of the road-building season, when the days are longer and the weather less variable than in the autumn, to which season the work must otherwise necessarily be prolonged.

## STATE HOUSE.

The question of the preservation or destruction of the Bulfinch state house, which had so long been under discussion, was determined at the last session of the general court; and by the action then taken it was decreed that this historic structure, dear to our people for its beauty and its associations, should be made permanent and practically fireproof. The sum of \$375,000 was appropriated for this purpose. The work has been placed in the hands of experienced and skilful architects, and the contracts have been made at such figures that there can be little doubt that a very considerable part of this amount will not be needed.

The bills approved by the state house construction commissioners up to January 1, for construction of the extension, including the intermediate portion or Bryant part, amount to \$2,989,084.25, and for Memorial Hall to \$13,477.75.

The work upon the intermediate portion is nearly completed, and the whole structure erected under the charge of the commissioners is thoroughly built and furnishes excellent offices for the several state departments. Memorial Hall cannot be completed until the easterly wing of the Bulfinch front is again ready for the occupancy of the senate. The houses now in use upon land acquired by the Commonwealth, bounded by Mt. Vernon, Beacon and Bowdoin streets, will undoubtedly be needed until all work of construction or repair upon the state house shall cease.

#### PROVINCE LAWS.

The legislature of 1896 declined to make any appropriation beyond the 30th of June for the continued publication of the Province Laws, a work which was undertaken by the Commonwealth in 1867 and has been continuously prosecuted since then, with the result that seven volumes have already been published, while one additional volume is in the hands of the state printers in a completed condition. The total probable number has been estimated at thirteen. This failure of the legislature to make provision for the continuance of the work was avowedly due to dissatisfaction with the slow progress made, and a determination to conclude the editorship then in control of the publication. The acting-governor and council, in obedience to what they conceived to be the will of the legislature, thus expressed, brought the work to an end when the appropriation previously made was exhausted, and the editor ceased his official duties on the 1st of July. It is true that this work has proved a costly one to the Commonwealth, and that it has been protracted far beyond the expectation even of those versed in historical labor; but it is fair to say that this delay has been due not to any neglect of duty or indisposition to labor on the part of the recent editor, but rather to an extreme manifestation



in him of the antiquarian spirit, which has urged him to an elaboration of note and comment which to many has appeared excessive, and which an opinion obtained by the council from the attorney-general declares to have been unauthorized by the original act providing for the publication. There can be no doubt that the completed volumes contain the results of the most minute and searching historical investigation. The Commonwealth will not be willing permanently to leave the work in its present incomplete condition. Under the opinion of the attorney-general as to the true scope of the original act the remaining volumes can without question be issued at a greatly accelerated rate. I ask you to determine how and through what agency this important historical work shall be continued.

#### WOMAN SUFFRAGE AND BIENNIAL ELECTIONS.

In 1895 all persons qualified to vote for school committee were given an opportunity to vote upon the question, "Is it expedient that municipal suffrage be granted to women?"

In 1896 two amendments to the Constitution, establishing biennial elections of state officers and of members of the general court, were submitted to the people for their ratification and adoption.

On both of these important questions, which have demanded so much time of your predecessors, the decision of the people was so emphatic as to afford little encouragement for an early renewal of the discussion.

Gentlemen of the senate and house of representatives : You are summoned to a high duty. You are the recipients of signal honor. You hold the credentials of the people of Massachusetts to legislate for their welfare. This is no mean commission, nor is the responsibility it entails light. The fame of Massachusetts among enlightened Commonwealths for wise and progressive legislation has been won by your predecessors. May that fame receive new lustre at your hands. The volume of legislation is a poor criterion of its necessity or wisdom. The sagacious legislator will deem it as much his duty to reject unnecessary legislation as to favor that which he

deems important. It is difficult to believe that five months of legislative session and seven hundred printed pages of acts and resolves are annually necessary. A shortened session and a reduced blue book would not be unwelcome to our people.

The general court and the governor are to work together for a common purpose, — the good government of the Commonwealth, — but a separate responsibility rests upon each. Under the blessing of Almighty God may both be endued with wisdom and understanding, and may grace be given them to execute justice and to maintain truth.

## SPECIAL MESSAGES.

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THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS  
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE  
DURING THE ANNUAL SESSION.

[To the senate and house of representatives, January 11, 1897.]

I have the honor to present, in compliance with chapter 50 of the resolves of 1860, a report of the forty-seven pardons issued by the governor and council during the year just closed.

Of the number thus released seven were in the state prison, twenty-eight in houses of correction, seven in the Massachusetts reformatory, and five in the reformatory prison for women. Sickness was the controlling reason for the discharge of thirteen, five of whom have since died.

ROGER WOLCOTT.

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No. 1. ANTONIO ARDITO. Convicted of murder, second degree, Supreme Judicial Court, Suffolk county, Dec. 15, 1879. Sentenced to state prison for life. Pardoned Jan. 3, 1896. The details of the crime it is not necessary to state, except to say that it was believed to have been done under much provocation, and under the influence of liquor given him in the house where the crime was committed. Ardito, who had been in this country but a few weeks when arrested, was unable to speak a word of our language, and through an interpreter was advised to plead guilty. His two accomplices, who received the same sentence, had been pardoned. The pardon committee believed that the granting of the pardon would be no detriment to justice. He was released upon condition that he leave the country, never to return. He sailed for Italy immediately upon his release.

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No. 2. **PETER CORRIGAN.** Convicted of breaking and entering a railroad car, Superior Court, Middlesex county, June 20, 1895. Sentenced to state prison for three years. Pardoned Jan. 17, 1896, upon the recommendation of the warden and prison physician. The prisoner was suffering from gastric ulcer and cirrhosis, with little prospect of recovery.

No. 3. **ARCHIBALD E. F. BUCKNER.** Convicted of larceny from a building, Superior Court, Middlesex county, Oct. 21, 1895. Sentenced to the house of correction for one year. Pardoned Jan. 30, 1896, upon the recommendation of the prison physician. Buckner was suffering with pulmonary tuberculosis, with no hope of recovery.

No. 4. **JOSEPH WARD, alias WINSTON.** Convicted of larceny from the person and attempted larceny from the person, Superior Court, Suffolk county, April term, 1895. Sentenced to state prison for five years. Pardoned Jan. 30, 1896, upon the recommendation of district attorney Stevens and inspector of police Knox, on the ground of innocence. These two officials, who were the prosecuting officers, have since become satisfied that it was another party, closely resembling Ward, who committed the offence. Ward's bad reputation, as well as his resemblance to the guilty party, contributed to the mistake.

No. 5. **WILLIAM G. BENNETT.** Convicted of vagrancy, District Court, Northern Berkshire, Aug. 9, 1895. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 1, 1896, upon the recommendation of the commissioners of prisons, who had carefully investigated the case and learned that Bennett, who was a young man of good family in New York, was arrested while sleeping in a barn with some tramps. Being young, well-dressed and without visible means of support, he was considered a vagrant and sent to the reformatory. As has since been learned he was in no sense a vagrant. His sentence was thought to have been too severe.

No. 6. **MARY REGAN.** Convicted of drunkenness, Western District Court, Hampden county, May 14, 1895. Sentenced to the reformatory prison for women for one

year. Pardoned Feb. 13, 1896. The prisoner had a young child seriously ill with scarlet fever. The father was unable to meet the expense of a proper nurse. Upon the recommendation of the selectmen of Westfield, where the offence was committed, as she had but thirty days more to serve, after deducting the time for good behavior, a pardon was granted on the ground of humanity.

No. 7. JOHN JOYCE. Convicted of larceny, Superior Court, Suffolk county, Feb. 11, 1895. Sentenced to the house of correction for eighteen months. Pardoned Feb. 13, 1896. Joyce was in an advanced stage of pulmonary consumption. He was pardoned that he might die at home. He died a short time after his release.

No. 8. ALEXANDER E. H. WALKER. Convicted of violating the license law, Superior Court, Middlesex county, Dec. 13, 1895. Sentenced to pay a fine of one hundred dollars. Pardoned Feb. 17, 1895, upon the recommendation of the district attorney who prosecuted the case and the city marshal of Newton. This was Walker's first offence. He was unable to pay the fine and in default of payment had been held for two months in the house of correction. His family were entirely without means of support. It was the unanimous opinion of all concerned that justice had been answered by the punishment already served.

No. 9. CHARLES J. PARSLow. Convicted of manslaughter, Superior Court, Suffolk county, Oct. 23, 1895. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 20, 1896. The district attorney and the commissioners of prisons were satisfied that the crime committed by Parslow was entirely accidental, and that he had been sufficiently punished for an act of criminal carelessness.

No. 10. GEORGE FLIEGE. Convicted of larceny, Municipal Court, Boston, Feb. 11, 1896. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 20, 1896, upon the recommendation of the judge before whom the case was tried, who certified that had all the facts regarding this case been known at the time of trial he would have allowed him to

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go without sentence. Owing to a misunderstanding the friends of the prisoner failed to appear at the trial, and consequently he was tried without counsel. The prisoner, who was but eighteen years of age, had always borne an unblemished reputation.

No. 11. LOUIS PEARLSTEIN. Convicted of receiving stolen goods, Superior Court, Suffolk county, Dec. 2, 1894. Sentenced to the house of correction for two years. Pardoned Feb. 27, 1896, upon the recommendation of the district attorney. The pardon committee were of the opinion that justice has been satisfied by the punishment already suffered, as there were mitigating circumstances connected with the case, which, if presented at the trial, would undoubtedly have lessened the sentence.

No. 12. JAMES CHENEY, *alias* HENRY SPROUL. Convicted of receiving stolen goods, Superior Court, Middlesex county, June 11, 1895. Sentenced to the house of correction for two years. Pardoned March 19, 1896, upon the recommendation of the prison physician, on the ground of incurable illness.

No. 13. PATRICK BUCKLEY. Convicted of drunkenness, Superior Court, Essex county, Oct. 26, 1895. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 26, 1896, upon the recommendation of the district attorney, the mayor and all the city officials at Beverly.

No. 14. LOUIS BOWCOCK. Convicted of arson, Superior Court, Bristol county, Feb. 12, 1894. Sentenced to state prison for five years. Pardoned April 2, 1896, upon the recommendation of the mayor and other leading citizens of Fall River, and the district attorney. The prisoner was without counsel at the trial. The burning was technical rather than real. Nobody came forward at the time of the sentence to say a word for him. If they had done so he would undoubtedly have been placed on probation or received a much lighter sentence.

No. 15. WILLIAM DOUCETTE. Convicted of larceny, Police Court, Lawrence, March 23, 1895. Sentenced to

the house of correction for two and one half years. *Pardons.* Pardoned April 2, 1896, upon the recommendation of the physician and master of the house of correction, that he might die at home. He was incurably ill with tuberculosis.

No. 16. OLIVE TAYLOR. Convicted of drunkenness, Police Court, Lowell, Oct. 25, 1895. Sentenced to the reformatory prison for women for fifteen months. Pardoned April 16, 1896, upon the recommendation of the commissioners of prisons. This was the prisoner's first offence. She was but seventeen years of age. The probation officer was away at the time of sentence; if he had been present the commissioners were satisfied she would have been placed on probation.

No. 17. ABRAHAM CATLAN. Convicted of receiving stolen goods, Superior Court, Suffolk county, January term, 1896. Sentenced to the house of correction for one year. Pardoned April 16, 1896. The district attorney, after a careful examination of the evidence, had become convinced that Catlan did not know that the goods were stolen when he received them, and would not probably have been convicted if he had told the truth at the time of trial.

No. 18. NELLIE DONOHUE. Convicted of being idle and disorderly, Central District Court, Worcester county, Jan. 6, 1896. Sentenced to the reformatory prison for women for one year. Pardoned April 16, 1896, upon the recommendation of judge Utley, who imposed the sentence. It was believed that she was innocent of the crime for which she was sentenced. She was arrested with other inmates of a disorderly house, but it has since been learned that she was employed as a domestic, and had nothing to do with the proceedings of the house.

No. 19. ALEXIS PELKEY. Convicted of assault, Second District Court, Bristol county, Dec. 23, 1895. Sentenced to the house of correction for one year. Pardoned May 21, 1896. Pelkey was suffering from tuberculosis, with no hope of recovery. He died June 21.

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No. 20. JOHN F. MOYNAHAN. Convicted of manslaughter, Superior Court, Bristol county, Nov. 26, 1895. Sentenced to the house of correction for nine months. Pardoned May 21, 1896. The prisoner was in the last stages of phthisis pulmonalis. He was pardoned that he might die at home. He died about ten days after his release.

No. 21. BURTON C. STEVENSON. Convicted of breaking and entering, and larceny, Superior Court, Middlesex county, June 7, 1895. Sentenced to the house of correction for eighteen months. Pardoned May 26, 1896. The offence was a very slight one. He had no counsel at his trial. His previous reputation was of the best. The pardon committee were of the opinion that the object of imprisonment had been accomplished.

No. 22. ANNIE GILMORE. Convicted of adultery. Superior Court, Suffolk county, May term, 1895. Sentenced to the house of correction for two years. Pardoned June 4, 1896, upon the recommendation of the district attorney. The prisoner was a married woman with several children, one of whom was ill, and needed her mother's care. Through love of drink she became intimate with the man with whom she committed the crime. It was believed that the object of imprisonment had been accomplished by the punishment already suffered.

No. 23. JOHN MCCARTHY. Convicted of assault with intent to rob. Superior Court, Suffolk county, November term, 1892. Sentenced to the house of correction for five years. Pardoned June 23, 1896, on the ground that he had been sufficiently punished. He was sentenced without the knowledge of his friends, or allowing them a chance to defend him. This was his first offence. If counsel had been secured for him he undoubtedly would have received a much lighter sentence, as the offence was not a very serious one.

No. 24. HENRY J. MCGILL. Convicted of drunkenness, Third District Court, Bristol county, May 17, 1896. Sentenced to the house of correction for one year. Par-



done June 30, 1896, upon the recommendation of the justice and probation officer of the district court at New Bedford, on the ground of humanity. The prisoner had a wife and three children dependent upon him for support; soon after his conviction his wife met with a serious accident in a laundry, being scalded; the oldest child had also met with an accident, and was unable to work; and one of the others had broken a leg and arm. He was pardoned so that he might support his family. It was believed by the probation officer that he would hereafter lead a temperate life. Pardons.

No. 25. JAMES CASHMAN. Convicted of indecent assault, Municipal Court, East Boston, June 1, 1896. Sentenced to the house of correction for six months. Pardoned July 16, 1896, upon the recommendation of the institutions commissioner of the city of Boston and many of the leading citizens of East Boston. The prisoner, an old man seventy-four years of age, was pardoned on account of his feeble mental and physical condition. His previous conduct and character had been irreproachable. The offence, which was a slight one, would undoubtedly never have been committed if he had been in his right mind. He died about two weeks after his release.

No. 26. FRED B. SHELHAMER, *alias* WILSON. Convicted of breaking and entering, Superior Court, Suffolk county, December term, 1893. Sentenced to the house of correction for four years. Pardoned July 16, 1896, upon the recommendation of the district attorney, who certified that "both the houses he entered were the houses of his sisters, and it is probable that he would not have entered the houses of strangers, as he had borne a good reputation." He was under the influence of liquor when the crime was committed. It was believed that the punishment already served had been sufficient, and that he would hereafter lead an orderly life.

No. 27. MICHAEL CONLON. Convicted of breaking and entering, Superior Court, Suffolk county, January term, 1895. Sentenced to the house of correction for two years. Pardoned July 23, 1896, upon the recom-

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commendation of the district attorney and institutions commissioner. The prisoner was in failing health, and it was feared that he would become insane if he were obliged to serve his full term of imprisonment.

No. 28. **GEORGE JACOBS.** Convicted of assault, Third District Court, Southern Worcester, April 6, 1896. Sentenced to the house of correction for one year. Pardoned July 30, 1896. The prisoner does not understand the English language. At the time of his trial he did not know the nature of the charge against him, and he was without the advantage of counsel or an interpreter who understood his language (Armenian). An Italian who was interested in the complainant was used by the court as an interpreter, and the prisoner understands the Italian language no better than he does English. He did not understand his right of appeal. After his commitment he did employ counsel, but it was too late to appeal. The committee were unanimously of the opinion that he was sentenced under a misapprehension of the facts, and that had he been defended by counsel the facts that tend to establish his innocence of the offence would have been brought out.

Nos. 29 and 30. **GEORGE H. WRIGHT** and **CHARLES M. SOMERS.** Convicted of extortion, Superior Court, Worcester county, May 29, 1896. Sentenced to the house of correction for four months. Pardoned July 30, 1896, upon the recommendation of district attorney Parker, who certified that "the petitioners were indicted jointly with Orville L. Ford. I believe that Ford was the active and controlling factor in the commission of the crime, and I am of the opinion that Somers and Wright did not comprehend the nature or enormity of the offence, it having been committed, as I believe, largely at the instigation and suggestion of Ford." The pardon committee believed the prisoners had been sufficiently punished for the crime committed.

No. 31. **CASIMO OLIVAR.** Convicted of assault with intent to kill, Superior Court, Suffolk county, August term, 1895. Sentenced to the state prison for ten years. Pardoned Sept. 3, 1896, on the ground of innocence. The district attorney, after a careful investigation into

the facts of the case and interviewing certain witnesses who did not testify at the trial, was of the opinion that the shooting was not done by Olivar, but by one Joseph Biseste, who has fled the country. Pardons.

No. 32. MARGARET JOHNSTONE. Convicted of drunkenness. Police Court of Holyoke, Sept. 17, 1895. Sentenced to the reformatory prison for women for two years. Pardoned Sept. 17, 1896, upon the recommendation of the commissioners of prisons. During her imprisonment she had been a well-behaved prisoner. She was pardoned after serving one half of her sentence, and sent to her former home in Scotland. It was believed that she had been sufficiently punished for the crime committed.

No. 33. VICTORIA GOODHALL. Convicted of keeping a disorderly house, Superior Court, Bristol county, June 17, 1896. Sentenced to six months in the house of correction, and to pay a fine of one hundred dollars. Pardoned Sept. 30, 1896, upon the recommendation of the county commissioners of Bristol county and the prison physician. The prisoner was seriously ill with heart disease. The fine had been paid and more than half the sentence had been served.

No. 34. BETSY H. ROBBINS. Convicted of being a common night-walker, First District Court, Barnstable county, June 9, 1896. Sentenced to the house of correction for six months. Pardoned Oct. 17, 1896. The prisoner, who was but seventeen years of age and of unsound mind, was pardoned about two months before her sentence expired, for the purpose of being transferred to the school for the feeble-minded.

No. 35. DANIEL MCCALL. Convicted of forgery and uttering, Superior Court, Suffolk county, April term, 1896. Sentenced to the house of correction for eighteen months. Pardoned Nov. 5, 1896. McCall was ill with pulmonary tuberculosis, with little chance for recovery.

No. 36. LAWRENCE A. JACOBS. Convicted of perjury, Superior Court, Suffolk county, March 27, 1895. Sentenced to the state prison for four years. Pardoned Nov.

## Pardons.

14, 1896. The prison physician reported Jacobs as incurably ill with pulmonary phthisis. He was pardoned that he might die at home. He lived less than three weeks after his release.

No. 37. SIMON B. PORTER. Convicted of larceny, East Boston District Court, May 19, 1896. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 25, 1896, upon the recommendation of judge Emmons, who imposed the sentence, facts having been recently brought to his attention which satisfied him that he has been sufficiently punished. This was the boy's first offence. The property, a bicycle, had been recovered. He was sent to the home of his parents, in Nova Scotia.

No. 38. JAMES F. LOUGHMAN. Convicted of stubbornness, Roxbury Municipal Court, June 26, 1896. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 5, 1896, upon the recommendation of the commissioners of prisons. The prisoner, who was but sixteen years of age, was complained of by his father, who would not have made the complaint if he had understood the operations of the court which caused the boy's imprisonment at the reformatory. The commissioners and the father were of the opinion that he would hereafter be obedient to the parental authority.

No. 39. JAMES SWANTON, *alias* JOHN SULLIVAN. Convicted of larceny, Superior Court, Bristol county, Nov. 18, 1895. Sentenced to the house of correction for two years. Pardoned Nov. 25, 1896. Swanton was in the hospital, suffering from pulmonary tuberculosis. He was failing rapidly, with no hope of recovery.

No. 40. CHARLES H. WALKER. Convicted of adultery, Superior Court, Berkshire County, Jan. 22, 1896. Sentenced to the house of correction for fifteen months. Pardoned Dec. 3, 1896, upon the recommendation of the district attorney, the justices of the District Court of Northern Berkshire, the sheriff of Berkshire county, the probation officer, and the wife of the prisoner, upon the

ground that the woman with whom he was convicted of adultery and her husband are reconciled and living together. The prisoner's wife, who needed his support, had forgiven him and desired to live with him again. It was believed that he had fully repented of his act, and had paid a sufficient penalty therefor. Pardons.

No. 41. ARTHUR M. FAGAN. Convicted of drunkenness, Fourth District Court, Plymouth county, July 3, 1896. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 3, 1896. This was his first imprisonment. An uncle who lived outside the state was ready to give him immediate employment, where he would not associate with his former companions. The pardon committee were of the opinion that the object of imprisonment had been accomplished by the punishment already suffered.

No. 42. LUCINDA A. GROVER. Convicted of adultery, Superior Court, Bristol county, May 27, 1896. Sentenced to the house of correction for one year. Pardoned Dec. 10, 1896, on the ground that the circumstances that brought about her conviction, and her present purpose of reform were such as to merit, in the opinion of the pardon committee, the granting of a pardon to her. The district attorney concurred in this opinion.

No. 43. CHARLES J. JOHNSON. Convicted of assault, Superior Court, Bristol county, Feb. 3, 1896. Sentenced to two years in the house of correction. Pardoned Dec. 17, 1896, upon the recommendation of the district attorney, and the city marshal of Fall River. It was a serious question as to whether Johnson or the party assaulted—who was a notorious bully and had been arrested many times—was the aggressor. The prisoner was a quiet, inoffensive man, and would not get into trouble unless he was imposed upon. From the evidence submitted it was evident that he acted in self-defence, and would not have been convicted if he had not used a knife.

No. 44. WILLIAM MOFFITT. Convicted of lewd and lascivious cohabitation, Superior Court, Suffolk county,

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March 11, 1895. Sentenced to the house of correction for two years. Pardoned Dec. 19, 1896, upon the recommendation of the district attorney. During his confinement Moffitt had married the woman with whom he had been living. He was pardoned in order to be able to return to his wife and three children and care for them. He had publicly acknowledged the paternity of the children.

No. 45. JOSEPH VIVIATO, *alias* VREATO. Convicted of adultery, Superior Court, Barnstable county, April 11, 1895. Sentenced to the house of correction for two years. Pardoned Dec. 4, 1896, upon the recommendation of the prison physician. The prisoner was suffering from mitral insufficiency and dilation of the heart, accompanied by great physical exhaustion. He was liable to die at any moment.

No. 46. JAMES E. GAGE. Convicted of felonious assault, Superior Court, Middlesex County, Nov. 18, 1892. Sentenced to the state prison for nine years. Pardoned Dec. 26, 1896, as an act of executive clemency. The district attorney who prosecuted the case certified that he "felt quite sure that the cause of public justice would not suffer thereby." Many of the leading citizens of Woburn, where the crime was committed, urged a pardon on the ground that he had been sufficiently punished for the crime committed, which was believed by the pardon committee to have been of a less serious character than that for which he was sentenced.

No. 47. HATTIE M. GERSHEFSKI. Convicted of larceny, Police Court of Holyoke, Nov. 5, 1896. Sentenced to the reformatory prison for women for eighteen months. Pardoned Dec. 31, 1896, upon the recommendation of the commissioners of prisons and the superintendent of the reformatory. It appeared that there were extenuating circumstances connected with this case which, if they had been properly presented to the court at the time of sentence, would undoubtedly have caused the prisoner to have been placed on probation.

[To the honorable senate and house of representatives, Jan. 11, 1897.]

I transmit to you herewith for your information and action the eighth annual report of the state house construction commissioners.

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[To the honorable senate and house of representatives, Jan. 18, 1897.]

I herewith transmit for your consideration and action the sixth annual report of the commissioners for the promotion of uniformity of legislation in the United States, authorized by chapter 405 of the acts of 1891, amended by chapter 311 acts of 1893.

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[To the honorable senate and house of representatives, Jan. 19, 1897.]

I have the honor to transmit herewith a communication this morning received from the chairman of the building committee of the Medfield insane asylum relative to a special appropriation for providing the institution with a sufficient supply of water for the use of the asylum, to which I ask your careful consideration.

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[To the honorable senate and house of representatives, Jan. 25, 1897.]

I transmit herewith for the information and consideration of your honorable bodies a communication this morning received from the secretary of war of the United States requesting legislation authorizing the purchase or condemnation by the United States of lands within this Commonwealth as sites for fortifications and for other military purposes.

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[To the honorable senate and house of representatives, Jan. 29, 1897.]

I transmit herewith for your consideration a letter dated January 28, from the trustees of the Massachusetts hospital for epileptics, regarding an appropriation for furnishing and equipping the administration building and other buildings of the institution now approaching completion.

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[To the honorable senate and house of representatives, Feb. 15, 1897.]

I have the honor to transmit herewith for your information and consideration a communication recently received from the Honorable James H. Eckels, comptroller of the currency.

[To the honorable senate and house of representatives, Feb. 24, 1897.]

I transmit for your consideration letters from certain officials of the state of New York relative to the locating and establishing of the boundary line between the Commonwealth of Massachusetts and the state of New York, and the marking of the same at all necessary points by proper monuments. On the information furnished me it appears to me desirable that this work should be done, and I suggest that it may properly be entrusted to the commission on the topographical survey and map of this Commonwealth.

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[To the honorable senate and house of representatives, Feb. 25, 1897.]

I transmit herewith a communication from the chairman of the commission appointed under chapter 515 of the acts of 1896, to investigate the affairs of the Massachusetts Benefit Life Association, and ask that your honorable bodies determine the further scope of the investigation committed to them and make such provision, if any, for its prosecution as you may deem fit.

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[To the honorable senate and house of representatives, March 4, 1897.]

I transmit herewith for your information and consideration the report of the commission to investigate the public charitable and reformatory interests and institutions of the Commonwealth this day received.

The commission inform me that at an early day drafts of bills embodying the recommendations of the commission will be submitted in the form of appendices, which will be transmitted to you when received.

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[To the honorable senate and house of representatives, March 10, 1897.]

I return herewith an act entitled "An Act relative to the preservation of Birds and Game", with my objections thereto in writing.

The purpose of this bill is to exempt from all legal protection at any season of the year certain of the so-called duck species, therein described as white-winged scoters, commonly called coot, sheldrake, old-squaws and loons, it being illegal under existing law to kill these birds between the dates of April 15 and September 1.

These birds have little or no marketable value, and the existing restrictions upon their slaughter could not have



been enacted by your predecessors for the purpose of preserving a food supply. These restrictions are justified as being in accordance with the policy of the Commonwealth to seek to protect from extermination birds not directly harmful by affording them a period of safety at least during the breeding season. The birds enumerated in this act are now protected in the waters of the Commonwealth during their passage northward for nesting purposes. On their return in the autumn, after having provided for the continuance of their species, the restriction is removed. I believe this to be a wise and humane provision of the law. The presence of these birds in our waters affords pleasure and interest to many, and the right to destroy them during the entire year instead of during seven and one half months as now permitted would in my opinion materially increase the enjoyment of few and the profit of none. Another serious objection lies in the increased difficulty which this proposed law would entail upon the enforcement of the remaining provisions of the existing law unaffected by it. It is to be feared that either through ignorance or by intention a very imperfect discrimination would be exercised by those who should avail themselves of the enlarged opportunities for destruction afforded by this act, and that the more valuable kinds of ducks and other fowl would be exposed to slaughter equally with those named in this act, at the very season of all others when they should be unmolested. Persons and premises could not be searched without a warrant, and convictions would be infrequent. In this way the removal of all restrictions upon the killing of the less valuable species would tend to undermine the protection now wisely afforded to all. For the above reasons I am unable to approve the bill.

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[To the honorable the senate and house of representatives, March 10, 1897.]

I return herewith an act entitled "An Act to protect the Estates of Deceased Persons from the Prosecution of Fraudulent Claims", with my objections thereto in writing.

The scope of the bill is much broader than its title. Even if it be conceded that legislation may be necessary to protect the estates of deceased persons from the prosecution of fraudulent claims, this bill does little in that direction, while it goes farther and opens the door to

much which may be mischievous. Its operation is by no means limited to the case of persons apprehending litigation against their estates after their death. It is broad enough to permit any person having reason to believe that suit may be brought against him to take the initiative and puts it within the power of the courts to limit the rights of the plaintiff as to his time of bringing suit and as to the court in which it is to be brought. Under existing laws the plaintiff has the right to choose his own time and his own court. This bill takes away from him these rights in all cases where petition is brought by the defendant. There may be many reasons why a plaintiff is not ready to bring suit. He may not have the necessary means; his evidence may not be complete; or, in the case of an action for injuries received, he may not know the extent or permanency of the injuries for which claim is to be made. Moreover, many persons contemplating bringing suits, if not compelled to elect forthwith, might conclude not to press their claims. This bill compels immediate election, and is therefore in the direction of increase of litigation, for it permits defendants to initiate litigation as well as plaintiffs. The bill also gives the defendant the choice of forum. The plaintiff's cause of action might be cognizable both by the state and the federal courts, and under different rules of law. He may have the right to bring his action either in the supreme judicial court, in the superior court or in the district court. He may have the right to summon the defendant into his own county. If he is a citizen of another state he may also have the right, if the defendant comes within his jurisdiction, to bring suit against him in his own state. In all these cases, upon petition by the defendant served upon the plaintiff the defendant elects his forum, and it is even possible that the order of the court might be so made as to require the plaintiff to bring the case in a court where for technical reasons, such as the statute of limitations, he would be unable to maintain his action. So radical a change in the policy of legislation under the title of affording protection to the estates of deceased persons against fraudulent claims is to my mind objectionable legislation, and only to be sanctioned in case the need of additional safeguards is clearly demonstrated. But this is not the fact. It is not true that as a rule injustice is done in the courts of this Commonwealth to

the estates of deceased persons by reason of fraudulent claims. On the contrary, it is very seldom that such claims finally prevail. The percentage of such successful suits is certainly not greater than in the case of unjust claims against living persons. Existing statutes carefully guard the rights of citizens in this respect. Among these are the statutes authorizing the bringing of bills to quiet title to real estate; the provisions of the statutes authorizing the taking of depositions to perpetuate testimony which enable a person to perpetuate his evidence against supposed claims to be made against him; and the very salutary provisions of the statutes of 1896 (chapter 445), which authorize the introduction of statements, written or oral, memoranda and entries of the deceased, together with evidence of his acts and habits of dealing, tending to disprove or to show the improbability of the plaintiff's claim. Moreover, the very sort of claims against which this bill is directed would not be substantially affected by its passage. Persons having fraudulent claims which they are waiting for the death of the other party to make easier, usually conceal their cause of action so that the defendant has no knowledge that such a claim is to be made. The cases where a man would be forewarned of threatened suits after his death so as to be enabled to avail himself of the provisions of this bill would be comparatively infrequent. For these reasons and because I am of opinion that the bill is dangerous as well as unnecessary, I am unable to approve it.

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[To the honorable senate and house of representatives, April 5, 1897.]

I transmit herewith and recommend to the careful consideration of your honorable bodies a communication this day received from the trustees of the Massachusetts hospital for epileptics.

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[To the honorable senate and house of representatives, April 8, 1897.]

I transmit herewith appendices to the recent report of the commission to investigate the charitable and reformatory interests and institutions of the Commonwealth, consisting of drafts of certain acts submitted by the commission in accordance with their recommendations, which have already been laid before you, and I ask for them the careful consideration which their importance demands.

[To the honorable senate and house of representatives, April 10, 1897.]

I return herewith the bill entitled "An Act relative to the Sale of Pure Alcohol by Dealers in Paints and Chemicals", with my objections thereto in writing.

The bill is a radical departure from the policy of existing statutes regulating the sale of alcohol, and I am unable to believe that its scope and effect were fully considered by the legislature. It is unnecessary to discuss the question whether it would be wise to permit the sale of alcohol by dealers in paints and chemicals for mechanical or chemical purposes under the same restrictions as those which apply to such sales by druggists. Such are not the provisions of this bill. It permits such sales without any restrictions whatever as to time, place or manner.

Under the provisions of statutes 1896, chapter 397, no sale of alcohol can lawfully be made by druggists except upon the certificate of the purchaser that the same is for mechanical, medicinal or chemical purposes. This certificate must be cancelled at the time of sale. The druggist must also keep a book in which he shall enter at the time of such sale the date thereof, the name of the purchaser, who shall also sign his name in said book as part of said entry, the quantity and price of said alcohol, and the residence by street and number of the purchaser. This book and the certificates shall at all times be open to the inspection of the officers of the police. A penalty is provided for the making of a false certificate or entry, and the making of a sale without such certificate and entry is made punishable by fine or imprisonment.

These wholesome regulations are intended to secure control and supervision of the business, and to enforce compliance with the provisions of the statutes which limit sales of alcohol by druggists to cases where it is required for medicinal, mechanical or chemical purposes. Without such regulations it would be difficult, if not impossible, so to limit its sale. It is unfortunately true that there are many whose appetites are so abnormal that they will, if they can, buy alcohol for use as a beverage; and it has been found that, when its sale is permitted for a harmless and useful purpose, the temptation to make sales to persons who seek to buy it for purposes of intoxication is such as to render necessary safeguards like those now in force. Without such safeguards convictions for unlawful sales would be difficult if not impossible.

These restrictions, which the wisdom of your predecessors has imposed upon the business of selling alcohol, are wholly wanting in this bill. So radical a departure from the policy of existing statutes is not to be sanctioned without strong reasons of policy or necessity, which I do not find to exist. On the contrary, I think the provisions of the bill if allowed to become a law would tend largely to take away the control and oversight of the sale of intoxicating liquors, which it is the wise policy of the Commonwealth to preserve.

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[To the honorable senate and house of representatives, May 13, 1897.]

I transmit herewith a communication this morning received from the state house construction commissioners asking that your honorable bodies make a further and final appropriation for the completed work on the state house extension, so-called, and I request that you give it your careful and favorable consideration.

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[To the honorable senate and house of representatives, May 14, 1897.]

I enclose herewith a communication received from the chairman of the topographical survey commission relative to the present imperfect delimitation of the boundary line between this Commonwealth and the state of Rhode Island. It seems to me desirable that action should be taken properly and permanently to mark the boundary line, and the statement of the chairman of the commission would indicate that this can be done at moderate cost if the two states co-operate in the work. I ask for this subject the careful consideration of your honorable bodies.

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[To the honorable senate and house of representatives, May 22, 1897.]

I have the honor to call to your attention the fact that Wednesday, May 26, at 11 A.M., has been fixed as the date of the formal presentation to the governor of the Commonwealth of the Bradford Manuscript History, recently ordered by decree of the Consistory Court of the Diocese of London to be returned to the Commonwealth of Massachusetts by the hands of the Honorable Thomas F. Bayard, lately ambassador at the court of St. James; and to suggest for the favorable consideration of your honorable bodies that the exercises of presentation be held in the house of representatives on the day and hour above given in the presence of a joint convention of the two bodies and of invited guests and the public.

[To the honorable the house of representatives, May 26, 1897.]

I transmit herewith a communication this morning received from a committee of the board of agriculture and the director of the Hatch experiment station relative to a new insect pest which has recently appeared for the first time in this Commonwealth and in the United States, and expressing their belief that an appropriation of a moderate amount should be forthwith made to meet this sudden emergency. I recommend the subject to the careful consideration of your honorable bodies.

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[To the honorable senate and house of representatives, June 11, 1897.]

I herewith return without my approval a bill entitled "An Act relative to Green Harbor in the Town of Marshfield."

The question of the removal of the dike referred to in the bill has been a subject of discussion for some years. It was constructed under the provisions of the statutes of 1871, chapter 303. I am informed that the result of building the dike was to reclaim a large area of territory which had formerly been partly or wholly submerged by tide water. The effect of removing the dike will undoubtedly be to destroy much of the value of the land so created, by causing it again to be submerged at high tide.

The legislature of 1896 fully considered the question of the removal of the dike, and the result was the enactment of chapter 495 of the statutes of 1896, which provided that the board of harbor and land commissioners and the state board of health, sitting as a joint board, were to cause an examination of the marshes and dike to be made by competent engineers, and if, upon receiving such report, the joint board should determine that a substantial improvement and benefit to Green Harbor would result from the removal of the dike, and that no damage to vested property rights greater than the benefit and improvement to be derived from such removal would result therefrom, then the board of harbor and land commissioners should remove the dike.

The reason for the passage of this statute was without doubt that it was regarded as uncertain how extensive the damages would be which the Commonwealth would be called upon to sustain by the removal of the dike. Engineers have been appointed by the joint board under

the provisions of the said statute, who have been at work investigating the question submitted to them. They found the question even more difficult than it was supposed to be when the act was passed, and have asked for further time to complete their examination.

It is to be feared that the damages which would be caused by the removal of the dike are too great to warrant the Commonwealth in entering upon such an undertaking. The bill before me recognizes this difficulty, and endeavors to prevent the paying of large damages by section 2, which, in substance, provides that the increase in the value of such property resulting from the building of the dike in 1871 shall be deducted from the damages assessed to the owners of vested rights. I am advised that this provision is unconstitutional. When property is taken under the right of eminent domain there is no escape from the payment of full damages for the value of the property taken, reckoned at the time of the taking. This bill attempts to deduct from the compensation to be awarded a substantial portion of the damages sustained.

Moreover such a provision, even if constitutional, would be open to the charge of possible injustice. If the ownership of the land reclaimed has changed during the twenty-five years that the dike has been in existence, the original owner has received by the sale of his land all of the enhanced value caused by the building of the dike. This enhanced value the purchaser would lose under this bill.

If this provision be held to be unconstitutional the result will be either that the whole act will be defeated, or that all the damages assessed caused by the removal of the dike will have to be paid by the Commonwealth. In the latter case the enactment of the bill proposed would precipitate the question of damages before the joint board appointed by the last legislature have been able to inform themselves and the Commonwealth as to the amount of such damages.

If, when the facts are known, it proves to be expedient to remove the dike, the commission already appointed has authority to do so. If, on the other hand, it should prove to be unduly expensive, the work should not be undertaken except under an act passed with a clear understanding of the consequences to the Commonwealth. This cannot be said of this bill.

[To the honorable senate and house of representatives, June 11, 1897.]

I herewith return without my approval the bill entitled "An Act to authorize a State Appropriation for the support of Public Schools."

In my opinion, it is not a bill for the benefit of the public schools of the Commonwealth. It does not necessarily increase the sum to be expended for their support, for it contains no provision which prevents the towns and cities which will receive money under the proposed tax from reducing their own appropriations for schools by an equal amount. I am informed that an amendment designed to improve the bill in this respect was overwhelmingly rejected.

Nor can the bill be defended as an extension of the wise and well established policy of the Commonwealth, under which the weaker and overburdened communities are aided by the state in their duty of maintaining public schools. Any measure which should have such an effect would meet with my cordial support; and I have recently approved a bill enlarging the scope and usefulness of the aid extended by the state to schools in towns where the burden of maintaining them falls heavily upon the inhabitants. Under the existing provisions for distribution of the school fund, which is annually increased by general taxation in the amount of \$100,000, 260 towns now receive assistance therefrom in sums varying from \$100 to \$500. These sums are paid to towns whose valuation is not greater than \$3,000,000, the poorer towns receiving relatively the greater assistance.

Encouragement is also held out to towns to increase the amount of their own expenditures for school purposes, by provisions increasing the state aid to such towns. This is as it should be. It recognizes both the principle of state aid to towns where it is most needed, and its distribution in such a way as to increase the efficiency of the common schools of the Commonwealth. If this assistance is to be increased the method of its distribution should, in my opinion, be adhered to.

But this bill, considered as a measure for the relief of small and overburdened communities, is imperfect and ineffective. A considerable proportion of the money to be raised by the proposed tax goes to cities and to the larger towns. It is true that some relief is offered under



its provisions to communities deserving of state aid ; but so incidentally that such relief cannot properly be said to be the principal purpose of the bill. For example, 18 cities and towns, each having a valuation of over \$10,000,000 will receive state aid under the operation of this bill ; while the number of those whose valuation exceeds \$4,000,000, which will be beneficiaries, is 48. Many of these are prosperous and enterprising communities, which do not need to be assisted by the Commonwealth in the discharge of their municipal obligations. Among the cities so benefited by the bill may be named Lowell, Lawrence, Fall River, Fitchburg, Haverhill, Lynn, Worcester, Pittsfield, Malden, Marlborough, Somerville and Cambridge ; and among the larger towns are Attleborough, Peabody, Greenfield, Westfield, Framingham, Stoneham, Concord, Winchester, Dedham, Gardner and Whitman.

The list is by no means complete, but is sufficient to show the operation of the provisions of the bill. It would be difficult to say upon what sound principle the cities and towns I have named can properly demand the aid of the Commonwealth in maintaining the standard of their common schools. A striking illustration of the effects of the bill is the fact that it will take over \$9,000 from Springfield and give more than twice that amount to Worcester, a wealthy and self-reliant city of varied and prosperous interests. Considered as a bill to extend the policy of state aid for educational purposes to towns whose burdens are unduly great it is so crude and cumbersome in its scheme, and so imperfect in its results, that I am unable to believe that it was enacted, primarily, at least, for such a purpose.

The measure, therefore, can only be defended as a bill for the equalization of taxes among the towns and cities of the Commonwealth. As such, even, it is at best but partial in its operation and unsatisfactory in its results. Being a tax laid directly upon certain communities of the Commonwealth for the benefit of other communities it is likely to prove a constant source of irritation to those upon whom its provisions bear with more or less severity, and a constant temptation to increase rather than to correct the existing inequalities of valuations.

To what extent and for what purposes richer communities should be taxed to contribute to the support

of the poorer communities, and whether the time has come when the theory of local taxation for local needs which has hitherto prevailed in Massachusetts should give place to taxation by the state, are grave questions of political economy upon which there is much difference of opinion.

The legislature of 1896, in view of the importance of the subject, authorized the appointment of a commission to consider the whole question of taxation, and the many and difficult problems which it presents, including that of equalization of taxes among the cities and towns of the state. Such a commission has been appointed, consisting of men of high character and repute, who have given the subject the most careful attention. The report of that commission is to be made in October of this year; and will undoubtedly be of great service to the next legislature in its consideration of questions of taxation. In my annual message to your honorable bodies I stated that in my opinion it was not expedient to make any important changes during this session of the legislature in the laws relative to taxation.

I adhere to the opinion therein expressed; and in addition to the other objections to the present bill which I have suggested, I think it unwise to enact a statute dealing with so important and difficult a question of taxation, pending the exhaustive consideration which the commission is now giving to the matter in all its aspects, especially in view of the fact that the bill before me does not go into operation until long after the report of the commission will be before the legislature.

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[ To the honorable senate and house of representatives, June 11, 1897.]

I return herewith without my approval the bill entitled "An Act to provide Relief for the Société St. Jean Baptiste de West Boylston, Mass."

This bill appears to be open to objections. I am informed that the corporation named in the bill is a fraternal benefit association, organized for the purpose of paying benefits to its members in case of sickness or death. It owns no property other than funds in the treasury. The only damage it can claim by reason of the construction of the metropolitan water basin is that which may result from the dispersion of its members who will no longer be

able to live in West Boylston, and the possible consequent impairment of its usefulness as a charitable organization.

I do not now discuss the question of the wisdom of affording relief for damages of this nature. But the proposed bill would be ineffective in accomplishing the desired result. An injury of this sort is not one for which compensation can be had under the ordinary rules of damages established by the courts. The damages claimed are vague, remote, speculative and not capable of accurate determination, and it is not at all improbable that upon a case arising for judicial determination the courts might interpret the act as giving relief only for those direct and specific damages which have heretofore been recognized in judicial proceedings. In such an event the persons for whose relief this act is proposed would meet only embarrassment and loss through its enactment.

If, when the basin is constructed, it is found that the association is thereby disintegrated and its usefulness impaired or destroyed, it may be that the legislature will deem it wise to vote a sum of money therefor; but as any such payment would be a mere grant, and not compensation for injury to property capable of judicial ascertainment by the courts, it should be decreed by act of legislature, and not under the forms of law. These are not adapted to fix or measure the bounty of the Commonwealth.



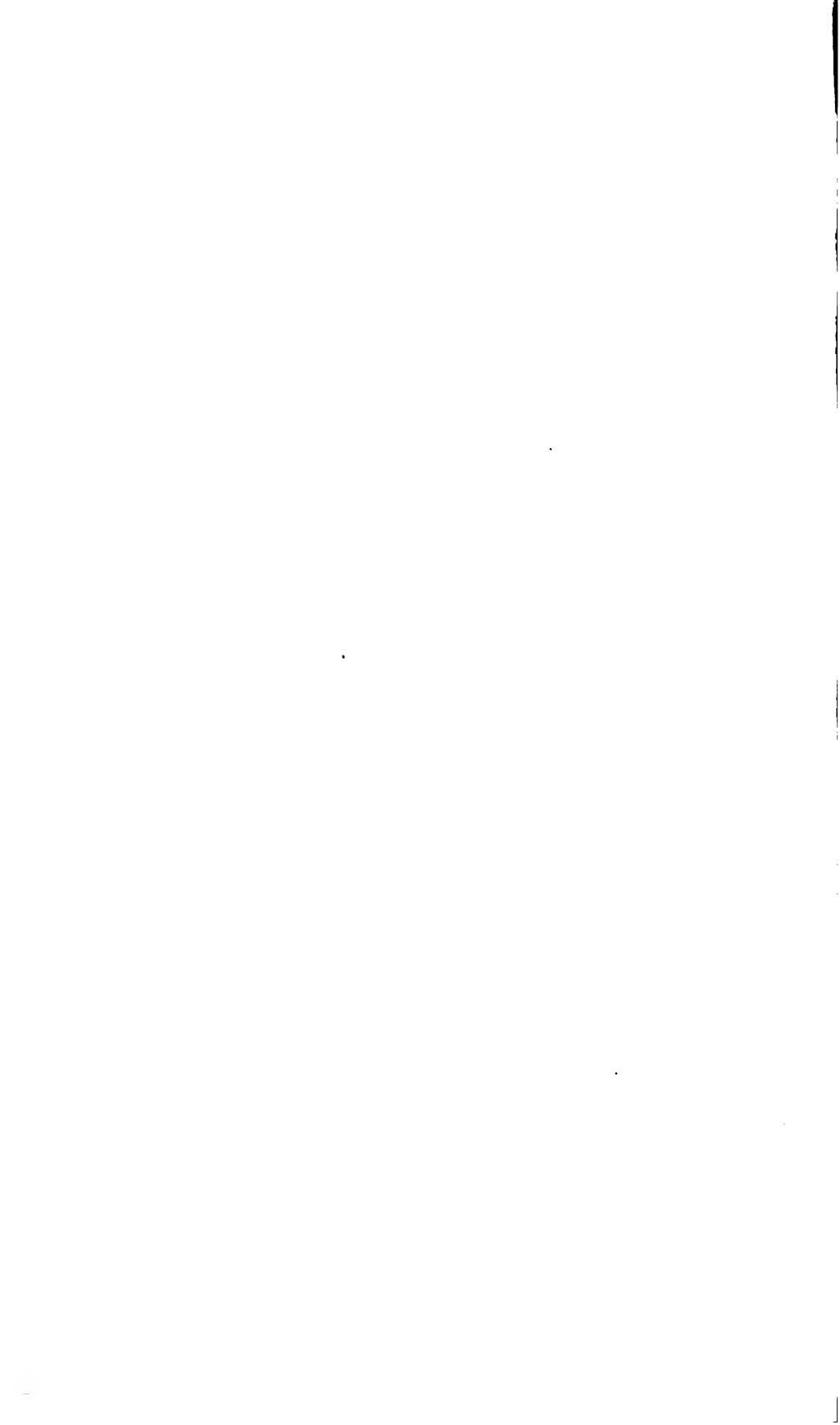
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## CHANGE OF NAMES.

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## CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Public Statutes, Chap. 148, Sect. 14, returns of the following Changes of Names have been received in the office of Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts in their respective Counties:—

### BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1906.</b>			
Feb. 11,	Mabel Adams,*	Mabel Nickerson Adams,	Provincetown.
June 9,	Jeannette H. Robinson,	Jeannette H. Matthews,	Dennis.
Oct. 6,	Ida Josephine Sears,*	Ida Josephine Ellis,	Dennis.
Nov. 10,	Mary E. Bean,*	Mary Ellen Ryder,	Chatham.
10,	Josephine Paetzold*,	Viola Josephine Hawes,	Chatham.

### BERKSHIRE COUNTY.

Jan. 7,	Martha Walling Smith,*	Susie Lydia Cole,	Williamstown.
May 5,	Herbert McPherson,*	Harvie Laundry,	North Adams.
20,	Madalene Muller,*	Marion Putnam Wright,	North Adams.
June 2,	Agnes Cameron March,*	Helen Cameron Miller,	Pittsfield.
Sept. 1,	Frank Morris Osborne,	Frank Morris Osborne Bristol,	Pittsfield.
Nov. 4,	William Sterling Parks,*	William Sterling Crosier,	Pittsfield.
4,	Minnie O'Neill,*	Minnie Humphrey,	Williamstown.
Dec. 2,	Robert Benjamin Lenox,*	Robert Benjamin Kenyon,	Adams.

### BRISTOL COUNTY.

Jan. 3,	Samuel H. Sarraasin,*	Alfred H. Larocque,	Freetown.
Feb. 7,	Hertha May Harlow,*	Hertha May Braley,	New Bedford.
March 6,	Mary O'Leary,*	Marion Doherty,	Taunton.
20,	Mary E. Gorman,*	Mary E. Hathaway,	Fall River.
20,	Agnes Gorman,*	Agnes Hathaway,	Fall River.
April 3,	Jeannette Kingston,*	Jeannette Kingston Marshall,	North Easton.
3,	Mary Smith,*	Mary Jane Decker,	Fall River.
3,	Henry Sears Sullivan,*	Henry Sears,	Fall River.
17,	Edna Earl Dow,*	Edna Earl Stimpson,	New Bedford.
May 1,	Lydia Johnson,	Floesie J. Eldridge,	New Bedford.
July 3,	Joseph V. McCarthy,*	Archie Vincent Kountze,	Norton.
3,	William Henry Bonneau,*	William Oliver Tripp,	New Bedford.
3,	Charlotte Mercy Borden,*	Charlotte Matilda McCowan,	Fall River.
3,	Evelyn Daniels Cornell,*	Evelyn Daniels King,	Dartmouth.
3,	Gladys Davis,*	Laura Belle Hawkins,	Attleborough.
Aug. 7,	Priscilla Mayhew,*	Priscilla Mayhew Altz,	Fall River.
7,	Myrada Shipley,*	Myrada Shipley Cone,	Taunton.
Nov. 6,	Eliza Bonney,	Eliza Meyer,	New Bedford.
20,	Gladys Malfland Gifford,*	Gladys Malfland Macomber,	Fall River.
Dec. 18,	Roger Walcott Jennings,*	Raymond Elmore Chace,	Dighton.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

**DUKES COUNTY.**

Date of Decree.	Original Name.	Name Decreed.	Residence.
1896. Oct. 19,	Percy Gains Brady,* . . .	Percy Gains Tilton, . . .	Chilmark.

**ESSEX COUNTY.**

Jan.	6,	Jennie Booth,*	Ida Booth Frye,	Boston.
	13,	Ernest Boyd,	Ernest Rogers Boyd,	Salem.
	16,	Hazel F. Brooks,*	Hazel Faustina Estey,	Lawrence.
	13,	Irene G. Meader,*	Irene Grace Cook,	Georgetown.
	13,	Albert J. N. Paige,*	Albert Augustus Johnson,	Lynn.
	20,	William T. Ramsbottom,	William Taylor Ramsdell,	Bradford.
	20,	Josephine D. Ramsbottom,	Josephine Demeritt Ramsdell,	Bradford.
March	2,	Ellen M. Bunce,	Ellen Maria Shaw,	Gloucester.
	9,	Michael Thomas Ganley,*	Thomas Mulry,	Lawrence.
	16,	Mabel G. Procter,*	Mabel Gertrude Davis,	Lynn.
	16,	Haley G. Juddrey,*	Guy Elliot Leman,	Rockport.
	16,	Lillian G. McNiff,*	Estella Mildred Hudson,	Lynn.
	23,	Henry W. Witham,*	Henry Winfield Kane,	Gloucester.
April	6,	Harold Sumpter,*	Harold Edward Smith,	Shrewsbury.
	6,	Annie McCabe,*	Ida Blanche McDonald,	Boston.
	6,	Sadie A. McLaughlin,*	Helen Kelley,	Lowell.
	13,	Euger Côté,*	Alphonse Euger Dubé,	Lawrence.
	21,	Catherine Morgan,*	Mary Catherine Fitzgerald,	Lynn.
	27,	Bonnie W. Keefe,*	Bonnie Winona Barnes,	Lynn.
May	4,	Mary Breen,*	May Trescott,	Lynn.
	4,	Emma J. Little,*	Emma Jeannett Taber,	Haverhill.
	11,	Paul Petzold,*	Paul Michael Shelble,	Lawrence.
	18,	Kitty Dugdale,*	Bessie May Perkins,	Salem.
	18,	Ida A. Klippen,*	Ida A. Lorenzen,	Gloucester.
June	8,	Eva M. Marcotte,*	Agnes Couture,	Lawrence.
	8,	Helen I. Miller,*	Helen Isabel Homan,	Lawrence.
	8,	Allen H. Shute,	Allen Howard Russell,	Haverhill.
	15,	Charles F. Shaw,*	Charles Gilman Folsom,	Peabody.
	15,	Eleanor Head,*	Marion Wilkins,	Marblehead.
July	6,	Catharine Battle,*	Katie McGlone,	Peabody.
	20,	Margaret M. Kelly,*	Charlotte Alice Hubbard,	Gloucester.
Sept.	14,	John R. Dakin,	John Reid Sansborn,	Haverhill.
	21,	Gladys E. Cram,*	Gladys Etta Hinks,	Lynn.
Oct.	5,	Willard Dean,*	Aubrey Willard Duncan,	Boston.
	5,	Silas T. Jedrey,*	James Long,	Rockport.
	19,	Gertrude McHoney,*	Gertrude Connor,	Lawrence.
	19,	Eddy F. Snell,*	Edwin Fitzson Snell,	Lawrence.
	26,	Albert W. Davis,*	Albert Weston Hurd,	Lynn.
Nov.	2,	Roland S. Noble,*	Roger Shreve Noble,	Salem.
	2,	Mary McCluski,*	Gertrude Lillian Burns,	Lawrence.
	9,	Edgar L. Brison,*	Leroy Edgar Chudleigh,	Salem.
	9,	David D. Henderson,*	Henry Brightman Dyer,	Lawrence.
	23,	Bonnie W. Barnes,*	Gladys May Clark,	Lynn.
Dec.	7,	Zolliecoffer Sargent,	Horace Kenneth Sargent,	Newburyport.
	21,	Nellie F. Dwinells,	Helen Francis Richardson,	Haverhill.
	21,	— Preble,*	Mariou Furber Joint,	Boston.
	21,	Esther S. Pedersen,*	Mary Esther Saunders,	Boston.

**FRANKLIN COUNTY.**

March 6,	Blanche Lillian Underwood,*	Blanche Lillian Carpenter,	Colrain.
Sept. 8,	Eva May Tuttle,*	Pearl Louise Kendrick,	Colrain.
Dec. 1,	Mary Louise Deneult,*	Elizabeth Belair,	Greenfield.
8,	Ruth Dyer,*	Ruth La Bell,	Warwick.

\* Changed by reason of adoption.



## CHANGE OF NAMES.

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## HAMPDEN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1896.</b>			
Jan. 10.	Edwin Robert Cartledge,*	Edwin Robert Reed,	Westfield.
Feb. 5.	Myrtle Aseneth Shea,*	Rena Maud Pierce,	Springfield.
5.	Patrick Joseph Dixon,	Patrick Joseph Harkins Dixon,	Holyoke.
21.	Eva Rhea Marotte,*	Eva Rhea Tetreault,	Chicopee.
March 4.	Charles Mansfield Blodgett,*	Charles Perley Pratt,	Palmer.
18.	James Feeney,*	James Emmet Murphy,	Springfield.
18.	Alice J. Rochford,*	Alice Marie Kelley,	New York.
April 1.	George Dean,*	St. Clair Leon Downer,	Holyoke.
4.	Elizabeth Edna Soule,*	Almy Edna Daprey,	Chicopee.
May 23.	Irene Holland,*	Rhena Marcella Warriner,	Springfield.
June 17.	Frank Edwin Williston,*	Frank Edwin Dingman,	Westfield.
26.	Lillie Leah Grigware,*	Leah Josephine Dalrymple,	Palmer.
26.	Unnamed infant,*	Ruth Madeline Jenkins,	Springfield.
26.	Francella Frizella Spooner,*	Francella Frizella Burlingham,	Springfield.
July 1.	Annie Mary Morse,*	Annie Mary Morse Collis,	Palmer.
Sept. 2.	Lotta Mabel Sweetser,*	Lotta Mabel Loomis,	West Springfield.
Oct. 2.	James Lemuel Dunn,*	James Lemuel Gates,	Westfield.
7.	William Burgess Sargood,*	William Burgess Smith,	Springfield.
7.	Robert Parker Ludden,	Robert Parker Fallon,	Springfield.
Nov. 4.	Annie McDonald,*	Madeline May Barden,	Agawam.
4.	Bertha Agnes Black,	Fayette Agnes Kibbe,	Springfield.
4.	William Morton Legg,	William Morton Lyndon,	Springfield.
Dec. 2.	James Gray,*	Elwood James Baird,	Holyoke.
2.	Hattie Asa Willard,	Harriette Acia Willard,	Holyoke.
12.	Ellen Calpin,*	Ellen Sherman,	E. Longmeadow.
12.	Thomas Donahue,*	Thomas Vaughn,	Springfield.
16.	Walter Merritt Stone,*	Walter Stone Spofford,	Springfield.
16.	Annie Mather Jones,*	Annie Mather Kingsbury,	Westfield.

## HAMPSHIRE COUNTY.

Jan. 14.	Willimena McRae,*	Elsie Willimena Bliss,	Amherst.
Feb. 4.	Frances Hayden Gore,*	Gladys June Eloise Bishop,	Northampton.
4.	Ruth Anderson,*	Hope Hathaway Stone,	Northampton.
July 7.	Fred C. Morse,*	Fred Cole Morse Wright,	Belchertown.
Nov. 4.	Elsa Olson,*	Elsa Olson Slattery,	Hatfield.
4.	Jane Abbott,*	Margaret Snowe,	Northampton.

## MIDDLESEX COUNTY.

Jan. 7.	Patrick John Hennessey,*	John Hennessey,	Haverhill.
7.	Esther Jane McAusland,*	Esther Jane Stuart,	Wakefield.
21.	Frank Odilon Archambeault,	Frank Otis Arnold,	Somerville.
28.	William Manning,*	William Gallant,	Leominster.
28.	Catherine Long,*	Gladys Mildred Lovejoy,	Stoneham.
28.	Ruby Lawrence,*	Ruby Travis,	Holliston.
28.	Mary Elizabeth Rowan,*	Mary Elizabeth Jennison,	Wayland.
Feb. 4.	Benjamin Franklin Butler,*	Harry Rupert Morash,	Cambridge.
4.	William Keefe,*	William Frederick Ricketson,	Medford.
4.	Catherine Howard,*	Catherine Dunnigan,	Woburn.
4.	Martha Florence Lester,*	Florence Hazel Oliver,	Boston.
4.	Frederrida Oliver Sherman,*	Lillian Gertrude Horn,	Boston.
4.	James Quinn,*	James H. McQuade,	Somerville.
11.	Mary Coolidge,*	Marie Coolidge,	Woburn.
25.	Karl Hanson,*	Karl Palmer Stafford,	Northbridge.
March 3.	Matilda Peterson,*	Matilda Peterson Lawrence,	Cambridge.
3.	Alice Gertrude Mathes,*	Alice Gertrude Whittier,	Somerville.
24.	Patrick Joseph Dwyer,*	Patrick Joseph Manning,	Lowell.
24.	Winifred Bucknam,*	Martha Wilber Freeze,	Melrose.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

## MIDDLESEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1896.</b>			
March 21,	William Hart McLean McAskill.*	William Henry Corr,	Malden.
24,	Gladys Ruth Jacobson.*	Gladys Minetta O'Mara,	Boston.
April 7,	Horace Francis Watson,	Frank Horace Watson,	Concord.
21,	Agatha Isabel Kingsbury.*	Agnes Isabel Tibbetta,	Lowell.
23,	Louis Barlofsky,	Louis W. Richard,	Lowell.
May 5,	George Taytasac,*	Warren Willard Dyer,	Somerville.
5,	John Joseph Hodgkins,*	John Henry Vanderhoof,	Everett.
19,	Charles Clements Northup,	Charles Northup Clements,	Canning, N. S.
19,	Lillian Agnes Braid,*	Ethel Lillian Lyon,	Medford.
June 2,	Ellen Henney,*	Mary Ellen Henney,	Melrose.
2,	Francis Henney,*	John Francis Henney,	Melrose.
2,	Ida Caswell,*	Alice Madeline May,	Boston.
23,	Elizabeth Rollins Brewster,	Elizabeth Rollins Williamson,	Somerville.
23,	Vivian E. Peterson,*	Vivian Ethel Austin,	Cambridge.
23,	Mamie McGuinness,*	Elele Emma Chase,	Boston.
23,	Frances Williams,*	Frances Williams Reardon,	Arlington.
July 7,	Elizabeth Harrington Bessey,*	Elizabeth Harrington,	Acton.
7,	Helen Carver,*	Helen Ruth Childs,	Boston.
7,	Marion Russell,*	Sarah Marion Edwards,	Springfield.
7,	Agnes Howard,*	Leona Beatrice Colomy,	Malden.
Sept. 1,	Nils William Lundstedt,	Nils Lundstedt Macdonald,	Cambridge.
1,	Gertrude G. Gordon,*	Gertrude G. Randlett,	Lowell.
15,	Alva S. Jones,*	Alva Sylvester Davis,	Fitchburg.
15,	Elsa Elizabeth Mattson,*	Elsa Elizabeth Conrad,	Everett.
22,	Thelma Belcher,*	Gladys Thelma Harris,	Everett.
22,	Clara Abby Berry,*	Clara Abby Symonds,	Cambridge.
Oct. 22,	Grace Helena Randall,*	Grace Randall Luke,	Cambridge.
6,	Grace Brown,*	Grace Leighton Lewis,	Cambridge.
6,	Hattie Viola Green,*	Eleanor Adelaide Williams,	Ayer.
13,	Helen Carrick,*	Lizzie Delory,	Salem.
20,	Geneva Florence Rogers,*	Geneva Florence Whitney,	Natick.
20,	Carl Henry Galen Anderson,*	Henry Galen Gluffing,	Cambridge.
27,	Charles Anthony Brown,	Anthony La Forest Brown,	Cambridge.
27,	Edward W. Thompson,*	Edward Nixon,	Cambridge.
27,	Hazel Low,*	Hazel Schorman,	Wakefield.
Nov. 4,	Luella Roberts,*	Lula Deering,	Springfield.
24,	Edgar Ceylon Davis,	Edward Ceylon Davis,	Somerville.
24,	Kable Donovan,*	Grace Marion Whiting,	Stoughton.
24,	Robert Millifant,*	Robert Cleveland Treadwell,	Boston.
Dec. 1,	Mary Walker Palfrey,	Mary Cazneau Palfrey,	Cambridge.
1,	William Barkus,*	John William Bankhead,	Sunderland.
1,	Alice Wyman,*	Alice Hedwick Goede,	Boston.
1,	Mary Denchey,*	Helen Louise Towle,	Worcester.
1,	Frederick Hayden,*	Frederick Goulding,	Boston.
8,	Nelle May Osgood,*	Isabella Frances Morris,	Hyde Park.
15,	Thomas Webster Short,	Thomas Webster Scott,	Weston.
15,	John Sloane Foster,*	John Edward Perroni,	Somerville.
15,	Alice B. Bull,*	Alice Belle Bigelow,	Watertown.
15,	Frank Wheeler Wentworth,*	Frank Wheeler Marshall,	Malden.
22,	Mattie B. Carr,	Mattie B. Holdridge,	Lowell.
22,	Henry George Bennett,*	Henry George Brigham,	Marlborough.
22,	Ethel Caldwell,*	Dorothea Parnell Fanno,	Boston.
22,	Annie Stone,*	Muriel Crawford Goodwin,	Hatfield.
22,	Mary Butler,*	Ellnor Constance Goddin,	Tewksbury.
22,	Clarence Hamblet,*	Clarence Josselyn Leavitt,	Chelmsford.
22,	Florence Daly,*	Florence Grace Walker,	Ayer.
22,	Susan Thompson Brodie Shedden,*	Susan Brodie Calabro,	Oakland.

## NORFOLK COUNTY.

<b>1888.</b>			
April 3,	Flora Deborah Kittrel,*	Flora Deborah Joy,	Braintree.
<b>1896.</b>			
Jan. 1,	Alta Benner Smith,	Alta Hall,	Boston.
8,	Fay Hilton,	George Fay Hilton,	Randolph.

\* Changed by reason of adoption.

# CHANGE OF NAMES.

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## NORFOLK COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1896.</b>			
Feb. 12,	Theodore Miller,*	Theodore Miller Fuller,	Quincy.
19,	Harrison Hayford Child, Jr.,	Harrison Bird Child,	Walpole.
March 4,	Florence May Lovett,*	Florence Winnifred Lakin,	Boston.
11,	Thomas John Justin,*	Thomas Lawrence Rooney,	Boston.
May 20,	Joseph C. Stafford,*	Leroy Leslie Ryder,	Pawtucket, R. I.
30,	Orray Augustus Taft,	Ray Baker Taft,	Milton.
37,	Gladys Buzzell,*	Gladys Hazel Spaulding,	Cambridge.
June 17,	Charlotte Eliza Greenbank,	Charlotte Hart Greenbank,	Wellesley.
July 15,	Abigail Atwood,*	Abby Emily Wieland,	Unknown.
23,	Edna Elliott,*	Edna Louisa Wilcox,	St. John.
23,	Joseph Richardson,	Joseph Richardson Smith,	Walpole.
23,	Amanda M. Pushee,	Amanda Maria Bancroft,	Norwood.
23,	Edith Mabel O'Connor,*	Edith Mabel Patterson,	Franklin.
Oct. 7,	Joseph Scanlon,*	Joseph Thomas McDonough,	Hyde Park.
Nov. 15,	Clarence Vincent Goldthwaite,	Vincent Goldthwaite,	Wellesley.
18,	Grace Eleanor Johnson,*	Grace Eleanor Holbrook,	Randolph.
Dec. 16,	Helena Marion Martin,*	Helena Marion Holbrook,	Stoughton.

## PLYMOUTH COUNTY.

Jan. 13,	Ethel Ingeborg Maxim,*	Ethel Ingeborg Johnson,	Brockton.
27,	Esther Frances Hatch,*	Marion Frances Marble,	Brockton.
March 9,	Flora Etta Munroe,*	Flora Etta Turner,	Hanover.
9,	Willie Edward Birmingham,*	Willie Edward Wright,	Westborough.
9,	Harry Irving Birmingham,*	Harry Irving Wright,	Westborough.
13,	Mary Ann Doe,	Mary Bartlett,	Plymouth.
April 13,	Margaret Kelley,*	Mary Zelle Eschemback,	Brockton.
27,	Laura F. Cox,*	Laura F. Evans,	Jay, Maine.
27,	Robert F. Bates,*	Robert F. Hunt,	So. Weymouth.
Sept. 23,	Mary C. Johnson,*	Lillian Charlotte Chapman,	Boston.
23,	Harold Lee,*	Harold Lee Howes,	-
Oct. 12,	Ralph Sargent Sanborn,*	Ralph Sargent Stearns,	Boston.
26,	Annie Lock,*	Dorothy Adelaide Manning,	Boston.
Nov. 9,	Ruth F. B. Gale,*	Ruth F. B. Simpson,	Brockton.
23,	Gertrude Mary Davis,*	Gertrude Mae Orcutt,	Boston.
23,	Walter Brown,*	George Herbert O'Brien,	Canada West.
Dec. 14,	Harry M. Cowan,*	Harry Cowan Hobart,	-
14,	John Alfred Leoh,	John Alfred Leonard,	Brockton.

## SUFFOLK COUNTY.

Jan. 2,	Rene Eugene Carter,*	Rene Eugene Fild,	Boston.
2,	John Joseph Scannell (or Geron),	Ferdinand Di Gennaro,	Boston.
9,	Lillias M. Hinds,*	Lillias M. Hovey,	Boston.
9,	Mary Canty,*	Mary Walton,	Boston.
16,	Wm. Fitzland Hill,	Wm. Fitzland Brennan,	Boston.
16,	Anthony Murnaghan,	Patrick Anthony Murnaghan,	Boston.
16,	Alice Helen Gould,*	Alice Helen Phillips,	Chelsea.
23,	Emma Laura Arnold,*	May Chapin,	Boston.
30,	Carro Cascaleene Fairbrother,	Carro Cascaleene Bacon,	Chelsea.
30,	Harry Polep,	Harris Jacob Paul,	Boston.
30,	James Leach,*	James Leach Coady,	Boston.
Feb. 6,	George Frederick Moses,	George Frederick Moseley,	Boston.
6,	John Edson,	John Wells Edson,	Boston.
6,	Ethel May Lealie,*	Marjorie Gladys Rosedale,	Boston.
6,	Faith Matheson,*	Faith Augusta Hazelwood,	Boston.
6,	Ernest Leroy Matheson,	Ernest Leroy Hazelwood,	Boston.
13,	Betsy Levenson,	Betsy Ida Levenson,	Boston.
13,	Maude Lillian Whitney,*	Maude Lillian McDowell,	Boston.
13,	Eva Grace Thyng,*	Eva Grace Clifford,	Boston.
20,	Mary Alice Kelley,	May Alice Cummings,	Boston.
20,	Lillian F. T. Boyden,*	Florence Lillian Mitchell,	Boston.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

## SUFFOLK COUNTY — Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1896.</b>			
Feb. 27.	Henry Coleman.*	Henry Coleman McMaster,	Boston.
27.	Mary E. Cryan,*	Mary Ellen Huber,	Boston.
27.	Dorothy Rutherford,*	Dorothy Adams,	Boston.
March 5.	Pearl Hazel Burkett,*	Pearl Hazel Wiggins,	Boston.
5.	Jacob Breneman Smith,	Karl Breneman,	Boston.
5.	Margaret Pfaff,	Margaret Chatfield,	Boston.
12.	Conrad Willershausen,	Conrad Willers,	Boston.
12.	Marion Louise Jones,*	Clarissa May Grover,	Boston.
19.	Edith Violet Taylor,*	Edith Violet Oliver,	Boston.
19.	Joseph Rysanek,	Joseph Russell,	Boston.
19.	Frank Bernard Mahoney,	Frank Bernard Wilson,	Boston.
19.	Daniel Joseph Mahoney,	Charles Daniel Wilson,	Boston.
19.	George F. Beauvais,	George F. Goodwin,	Boston.
19.	Amos Hale Davis,*	Amos Hale Smith,	Waltham.
19.	Helena Gladys Smith,*	Gladys Eliza Brooks,	Boston.
25.	John Harford Beaumont,	Harford Beaumont,	Boston.
25.	Bertrice Idella Kenney,*	Bertrice Arline Angell,	Boston.
April 2.	Nellie Shea,*	Bertha May Thornton,	Boston.
2.	Margaret Casey,*	Josephine Lane,	Boston.
2.	Mary Gallagher,*	Mary Francis Bennett,	Boston.
2.	Myer Rubenstein,*	Myer Witkowsky,	Boston.
5.	Mary Cronen,*	Lillie May Wheiden,	Boston.
5.	Rosa Keefe,*	Rosa Rosenberg,	Boston.
5.	James O'Keefe,*	Henry James O'Keefe,	Boston.
16.	Nettle Robinson,*	Nettle J. Reynolds,	Boston.
16.	Lola Longille,*	Lillian Elizabeth Iverson,	Boston.
25.	Mary Agnes Vasconcellos,*	Agnes V. Dares,	Boston.
May 7.	Margaret Gillis,*	Marguerite Thomas,	Chelsea.
14.	Jennie Moses,	Jennie Moseley,	Boston.
14.	Joseph B. Moses,	Joseph B. Moseley,	Boston.
14.	Theodore J. Moses,	Theodore J. Moseley,	Boston.
21.	Barbara Elizabeth Howard,*	Gladys Miriam Wall,	Boston.
June 4.	Manuel Emile Rencurrel,	Manuel Elliot Rencurrel,	Boston.
4.	Clarence Mitchell,*	Clarence Walsh,	Boston.
11.	Wm. Charles Dow,	Wm. Griggs Dow,	Boston.
11.	Annie Belle Sylvester,*	Annie Belle Cook,	Boston.
18.	Rachel McDonald,*	Doris May Colburn,	Boston.
18.	Evangeline Dugan,*	Ruth Edith Kalish,	Boston.
25.	John Victor Young,	John Victor Day,	Boston.
July 2.	Nellie Courtney,*	Elva Mabel Randall,	Boston.
2.	Thomas Harrison,*	Thomas Edward Rance,	Boston.
9.	Maud Emma Spear,	Maud Emma Young,	Boston.
9.	Wm. MacLean,*	Myron Edward Scott,	Boston.
16.	Joseph Flaherty,*	Francis Wm. Taylor,	Boston.
16.	Mary Shaw,*	Hazel Darling Oneta Winslow,	Boston.
23.	Ada Lillian Bishop,	Ada Lillian Jordan,	Boston.
30.	Mary Moran,*	Mary Chapin,	Boston.
30.	Anna McClemont,*	Mary E. Quinn,	Boston.
Aug. 20.	Anthony Silva,	Anthony Stevens,	Boston.
20.	Mamie C. Mullins,*	Mamie Adele Nowlin,	Boston.
20.	Gerhard Olaf Rasmussen,	Gerhard Olaf Kahler,	Boston.
20.	Isidor I. Bornstein,	Isidor Israel,	Boston.
20.	Eva Ellnor Quint,*	Evylyn Chisholm Spear,	Boston.
20.	Arthur Dean,*	George Ellsworth Mayo,	Boston.
Sept. 17.	Archibald Keith Davis,*	Archibald Keith Williams,	Boston.
17.	Gertrude Agnes Cross,*	Gertrude Agnes Laubham,	Boston.
17.	Lillian Marguerite Coffin,*	Lillian Marguerite Laubham,	Boston.
17.	Albert Perley Burchstead,*	Albert Perley Zarro,	Boston.
17.	Bernard Frank McDonough,	Bernard Frank Macy,	Boston.
24.	Percy Sylvester,*	Percy Butler,	Norwell.
Oct. 1.	Marjorie Temple,*	Louisa Florence Gaffney,	Boston.
1.	Helen May Heltman,*	Helen Marjorie Coles,	Boston.
8.	Joseph D. Lipssett,*	Joseph Alexis White,	Somerville.
15.	Barrett Liberman,	Barrett Liberman Brooks,	Boston.
15.	Minnie Beatrice Powers,*	Minnie Beatrice Harvey,	Boston.
22.	Marion Florence Bowman,*	Marion Frances Orr,	Peabody.
29.	Sarah Armstrong,*	Ruth Robinson Bigelow,	Boston.
29.	Agnes Florence Pittsley,*	Agnes Florence Lyon,	Boston.

\* Changed by reason of adoption.

# CHANGE OF NAMES.

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## SUFFOLK COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1896.</b>			
Oct.	29, Jennie Meader Bastez,	Jennie Meader Rawson,	Boston.
	29, Theodore Carlisle,*	Walter Irving Buzzell,	Boston.
	29, Mary B. Hammond,*	Mary Beatriz Kennah,	Boston.
	29, Elliot Bishop Gray,*	Elliot Rowell,	Boston.
	29, Joseph Nazet,*	Frederick Joseph Smith,	Boston.
Nov.	29, Frank Lester McKay,*	Lester Macy Hartshorn,	Boston.
	5, Mary Frances Parker,*	Mary Frances Potter,	Boston.
	12, Jacob Reible,	Jacob Ripley,	Boston.
	19, Edward Christian Augustus Hanauer,	Edward Schwab,	Boston.
	19, Luella Florence Buckman,*	Mary Louise Hammond,	Hyde Park.
Dec.	19, Francis Rice,*	Cedric Earl Thomas,	Boston.
	27, Adrienne Marie Shapleigh,	Adrienne Marie Johnston,	Boston.
	3, Leonard Wm Taylor,*	Leonard Wm. Staaf,	Boston.
	10, Pauline Woodworth,*	Pauline Hildreth,	Boston.
	17, Augusta G. Farnsworth,	Ruth Farnsworth,	Boston.
	17, Martha Augusta Tharby,*	Gladys Martha Harding,	Boston.
	17, Alice J. Searles or Walker,*	Alice J. Kaet,	Boston.
	24, Janet Patterson,*	Janet Lublin,	Boston.
	24, Curtis Patterson,*	Curtis Lublin,	Boston.
	24, Elmer Francis Cashman,*	Elmer Francis Swift,	Boston.
	24, Forencino Cellata,*	Forencino Manfuso,	Boston.
	24, Ernesto Cellata,*	Ernesto Manfuso,	Boston.
	24, Ludwig H. Swan,*	Hollis Dillon,	Boston.
	31, Reginald Carey,	Henry Reginald Carey,	Boston.
	31, Helen Burgess,*	Helen Mae Clark,	Boston.

## WORCESTER COUNTY.

Jan.	8,	Mary G. S. Kinch,*	Mary G. Selfridge,	Webster.
	14,	Helen Myrtle Makin,*	Helen Myrtle Harrington,	Clinton.
	28,	Eva May Stevens,*	Eva May Houghton,	Leominster.
Feb.	4,	Ethel Wright,*	Rosetta Sophia Nichols,	Hubbardston.
	4,	Frank E. Hearl,	Frank H. Du Four,	Worcester.
March	11,	Samuel Francis Crothers,*	Samuel Francis Crothers Mahan,	Clinton.
	3,	George Augustus Austin, Jr.,	Charles Everett Pearson,	Worcester.
	3,	Bertha Elizabeth Thayer,*	Bertha Louise Sawyer,	Millford.
	3,	Florence Jones,*	Myrtle Reha Cross,	Worcester.
	3,	Andrew Cornell,*	Charles James Wilson,	Worcester.
	6,	Florence May Iley,*	Florence May Martin,	Worcester.
	10,	Martha Vandyne,*	Martha Elizabeth Newton,	Templeton.
April	27,	Jennie Thomas Fellows,	Jennie Barbara Standish Fellows,	Leominster.
	31,	Theodore Frederick Swedberg,*	Theodore Frederick Lobben,	Fitchburg.
	31,	George White,*	George Leon O'Regan,	Millbury.
	31,	John Patrick Powers,	John James Powers,	Worcester.
	7,	Samuel Charles Sewell,*	Charles Samuel Cummings,	Worcester.
May	14,	Blanche Ammon,*	Blanche Amond Gilmore,	Westborough.
	28,	Susan Jalana Shaw,	Susan Jalana Menzies Shaw,	West Brookfield.
	8,	Leroy N. Norcross,*	Leroy N. Reeve,	Worcester.
June	8,	Viola Jameson,*	Evelyn May Morse,	Athol.
	19,	Florence H. Russell,*	Florence Ann Bennett,	Warren.
	19,	Elizabeth Gamble,*	Florence Elizabeth Fowler,	Clinton.
	9,	Louis Frank Roberts,*	Louis Marie Amedee Fregeau,	Fitchburg.
	26,	Eva Walborg Rosen,*	Ebba Valborg Wellin,	Worcester.
July	30,	Louise Cary,	Louise Maguire,	Westborough.
	30,	Harry Shaw,	Harry Lockwood Shaw,	Worcester.
	7,	Florence A. Baker,*	Florence Ada Wagner,	Leicester.
	7,	Edmund Bradley,*	Edmund O'Connor,	Worcester.
	10,	Helen Gertrude Darling,*	Helen Gladis Boynton,	Worcester.
	14,	William Heron,*	William Guy Faulkner,	Athol.
	14,	Corinne Tilden Robbins,	Corinne Robbins Small,	Templeton.
	21,	George D. McComie,	George Dunham Kincaid,	Worcester.
28,	21,	Celia Ellis,*	Clara May Ross,	North Brookfield.
	28,	Marguerite W. Cooper,*	Marguerite Alice Bradshaw,	Gardner.

\* Changed by reason of adoption.

## CHANGE OF NAMES.

## WORCESTER COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
<b>1896.</b>			
Sept. 1.	Mildred Grant,*	Mildred Gladys Adams,	Oakham.
1.	Gladys Irene Carter,*	Gladys Irene Jeffery,	Clinton.
1.	Thomas Morris Gallinger,*	Thomas M. Carpenter,	Charlton.
15.	Jesse Costello Donovan,*	Jesse Costello Trahan,	Worcester.
15.	Franklin Victor Sibley,*	Franklin Victor Johnson,	North Brookfield.
22.	Fred Ostertag, Jr.,	Fred Rand,	Fitchburg.
22.	Minnie C. Ostertag,	Minnie C. Rand,	Fitchburg.
25.	Mary Frances O'Neill,*	Mary Frances Green,	Worcester.
29.	Edith Mildred Greene,*	Edith Mildred Greene Livermore,	Worcester.
29.	Marvin Whitney Hervieux,*	Francis Neal McLeod,	Worcester.
Oct. 20.	Hazel Marguerite Snelson,*	Hazel Marguerite Hall,	Worcester.
30.	Rexavilla M. Davis,	Rexavilla M. Ray,	Sutton.
30.	Dorothy Toole,*	Dorothy Johnson,	Worcester.
Nov. 13.	Michael Cannon,*	Michael Cannon Fahey,	Clinton.
17.	Roy Edward Kerrigan,*	Roy Edward Morey,	Worcester.
Dec. 4.	Sigmund Rubinstein,*	Sigmund Kramer,	Worcester.

\* Changed by reason of adoption.

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THE  
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR  
THE POLITICAL YEAR

1897.

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# EXECUTIVE DEPARTMENT.

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HIS EXCELLENCY

ROGER WOLCOTT,

GOVERNOR.

JAMES MARTIN PERKINS . . . . . *Private Secretary.*

EDWARD F. HAMLIN . . . . . *Executive Clerk.*

HIS HONOR

W. MURRAY CRANE,

LIEUTENANT GOVERNOR.

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COUNCIL — (By Districts).

I.—NATHANIEL F. RYDER . . . . .	Middleborough.
II.—BENJAMIN S. LOVELL . . . . .	Weymouth.
III.—EVERETT C. BENTON . . . . .	Belmont.
IV.—ISAAC B. ALLEN . . . . .	Boston.
V.—FRANCIS NORWOOD . . . . .	Beverly.
VI.—ELISHA H. SHAW . . . . .	Chelmsford.
VII.—ALLEN L. JOSLIN . . . . .	Oxford.
VIII.—CHARLES A. TOWNE . . . . .	Orange.

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WILLIAM M. OLIN,

SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.*

HERBERT H. BOYNTON, *2d Deputy.*

EDWARD P. SHAW,

TREASURER AND RECEIVER GENERAL.

JOHN Q. ADAMS, *1st Clerk.*

A. B. C. DEMING, *2d Clerk.*

WENDELL P. MARDEN, *Cashier.*

JOHN W. KIMBALL,

AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.*

JAMES POPE, *2d Clerk.*

HOSEA M. KNOWLTON,

ATTORNEY-GENERAL.

GEORGE C. TRAVIS,

FRANKLIN T. HAMMOND,

JAMES MOTT HALLOWELL,

ARTHUR W. DeGOOSH,

ASSISTANT ATTORNEYS-GENERAL.

# LEGISLATIVE DEPARTMENT.

## GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1896.

## SENATE.

*President*—GEORGE P. LAWRENCE.

District.	Name of Senator.	Residence.
First Suffolk, . . . .	Ernest W. Roberts, . . .	Chelsea.
Second " . . . .	James E. Hayes, . . .	Boston.
Third " . . . .	Martin M. Lomasney, . . .	Boston.
Fourth " . . . .	John Quinn, Jr., . . .	Boston.
Fifth " . . . .	William W. Towle, . . .	Boston.
Sixth " . . . .	James A. Gallivan, . . .	Boston.
Seventh " . . . .	Charles E. Folsom, . . .	Boston.
Eighth " . . . .	William W. Davis, . . .	Boston.
Ninth " . . . .	Joshua B. Holden, . . .	Boston.
First Essex, . . . .	Lewis H. Bartlett, . . .	Lynn.
Second " . . . .	John D. H. Gauss, . . .	Salem.
Third " . . . .	J. Loring Woodfall, . . .	Rockport.
Fourth " . . . .	John J. Prévaux, . . .	Amesbury.
Fifth " . . . .	James H. Derbyshire, . . .	Lawrence.
First Middlesex, . . . .	Albert L. Harwood, . . .	Newton.
Second " . . . .	Frederick W. Dallinger, . . .	Cambridge.
Third " . . . .	James A. Bailey, Jr., . . .	Arlington.
Fourth " . . . .	George E. Smith, . . .	Everett.

District.	Name of Senator.	Residence.
Fifth Middlesex, . . .	Henry Parsons, . . .	Marlborough.
Sixth " . . .	William H. Brigham, . . .	Hudson.
Seventh " . . .	George Edson Putnam, . . .	Lowell.
Middlesex and Essex, . . .	Charles F. Woodward, . . .	Wakefield.
First Worcester, . . .	Ellery B. Crane, . . .	Worcester.
Second " . . .	Alfred S. Roe, . . .	Worcester.
Third " . . .	Harding R. Barber, . . .	Athol.
Fourth " . . .	Erastus Jones, . . .	Spencer.
Fifth " . . .	William Henry Cook, . . .	Milford.
First Hampden, . . .	Edward S. Bradford, . . .	Springfield.
Second " . . .	Dwight H. Ives, . . .	Holyoke.
Franklin and Hampshire, . . .	Joseph B. Farley, . . .	Erving.
Berkshire, . . .	George P. Lawrence, . . .	North Adams.
Berkshire and Hampshire, . . .	Richard W. Irwin, . . .	Northampton.
First Norfolk, . . .	James H. Flint, . . .	Weymouth.
Second " . . .	Clarke P. Harding, . . .	Medway.
First Plymouth, . . .	Albert F. Barker, . . .	Hanson.
Second " . . .	Noble W. Everett, . . .	Wareham.
First Bristol, . . .	William R. Black, . . .	Taunton.
Second " . . .	William Moran, . . .	Fall River.
Third " . . .	Rufus A. Soule, . . .	New Bedford.
Capc, . . .	William A. Morse, . . .	Tisbury.

HENRY D. COOLIDGE, . . . . . *Clerk.*  
 EDMUND DOWSE, . . . . . *Chaplain.*  
 JOHN G. B. ADAMS, . . . . . *Sergeant-at-Arms.*

## HOUSE OF REPRESENTATIVES.

*Speaker* — JOHN L. BATES.

## COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1, .	{ John L. Bates, . . . Hugh L. Stalker, . . .	Boston. Boston.
2d,	Boston, Ward 2, .	{ Manassah E. Bradley, . . John L. Kelly, . . .	Boston. Boston.
3d,	Boston, Ward 3, .	{ David B. Shaw, . . . Peter F. Tague, . . .	Boston. Boston.
4th,	Boston, Ward 4, .	{ Jeremiah J. McCarthy, . Mark E. Smith, . . .	Boston. Boston.
5th,	Boston, Ward 5, .	{ Robert F. Denvir, . . . James H. Leary, . . .	Boston. Boston.
6th,	Boston, Ward 6, .	{ Jeremiah E. Mahoney, . . Daniel D. Rourke, . . .	Boston. Boston.
7th,	Boston, Ward 7, .	{ Daniel M. Driscoll, . . . John J. Falvey, . . .	Boston. Boston.
8th,	Boston, Ward 8, .	{ Thomas E. Keenan, . . . David T. King, . . .	Boston. Boston.
9th,	Boston, Ward 9, .	{ James Keenan, . . . John A. Keliher, . . .	Boston. Boston.
10th,	Boston, Ward 10, .	{ Freeman O. Emerson, . . Charles H. Innes, . . .	Boston. Boston.
11th,	Boston, Ward 11, .	{ Francis C. Lowell, . . . William L. Reed, . . .	Boston. Boston.
12th,	Boston, Ward 12, .	{ James M. Douglass, . . . John W. Johnson, . . .	Boston. Boston.
13th,	Boston, Ward 13, .	{ James B. Clancy, . . . James S. McKenna, . . .	Boston. Boston.
14th,	Boston, Ward 14, .	{ John E. Baldwin, . . . John J. Toomey, . . .	Boston. Boston.

# HOUSE OF REPRESENTATIVES.

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## COUNTY OF SUFFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
15th,	Boston, Ward 15, . {	John A. McManus, . Michael J. Reidy, .	Boston. Boston.
16th,	Boston, Ward 16, . {	Osgood C. Blaney, . Albert W. Lyon, .	Boston. Boston.
17th,	Boston, Ward 17, . {	George H. Norton, . Charles I. Quirk, .	Boston. Boston.
18th,	Boston, Ward 18, . {	Daniel J. Curley, . Frank J. O'Toole, .	Boston. Boston.
19th,	Boston, Ward 19, . {	John J. Feneno, . Oliver S. Grant, .	Boston. Boston.
20th,	Boston, Ward 20, . {	Thomas C. Bachelder, . Joseph I. Stewart, .	Boston. Boston.
21st,	Boston, Ward 21, . {	Richard F. Andrews, Jr., William E. Skillings, .	Boston. Boston.
22d,	Boston, Ward 22, . {	John Bleiler, . Arthur A. Maxwell, .	Boston. Boston.
23d,	Boston, Ward 23, . {	Frank W. Estey, . Lemuel W. Peters, .	Boston. Boston.
24th,	Boston, Ward 24, . {	Jonathan B. L. Bartlett, Edward B. Callender, .	Boston. Boston.
25th,	Boston, Ward 25, . {	A. Glendon Dyar, . Frederick Hammond, .	Boston. Boston.
26th,	Chelsea, Wards 1, 2,	Franklin O. Barnes, .	Chelsea,
27th,	Chelsea, Wards 3, 4,	E. Walter Everett, .	Chelsea.
28th,	{ Chelsea, Ward 5, . Revere, . Winthrop, . }	Scott F. Bickford, .	Revere.

## COUNTY OF ESSEX.

1st,	Amesbury, . .	Daniel W. Davis, .	Amesbury.
2d,	{ Merrimac, Newburyport, Ward 6, Salisbury, . West Newbury, . }	Nelson P. Cummings, .	Merrimac.

## COUNTY OF ESSEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	Haverhill, Wards 4, 6,	Samuel W. George, .	Haverhill.
4th,	Haverhill, Wards 1, 2, 3,	Jackson Webster, .	Haverhill.
5th,	Haverhill, Ward 5, .	George H. Bartlett, .	Haverhill.
6th,	{ Lawrence, Wards 1, 2, } { Methuen, . . . . }	George G. Frederick, . George B. Smart, .	Methuen. Lawrence.
7th,	Lawrence, W'ds 3, 4, 5, 6, {	Benjamin C. Ames, . Richard Cullinane, . Cornelius F. Sullivan, .	Lawrence. Lawrence. Lawrence.
8th,	{ Andover, . . . } { Middleton, . . . } { North Andover, . }	William Odlin, . .	Andover.
9th,	{ Boxford, . . . } { Bradford, . . . } { Georgetown, . . . } { Groveland, . . . }	Edward H. Hoyt, . .	Bradford.
10th,	{ Danvers, . . . } { Peabody, . . . } { Topsfield, . . . }	Nicolas M. Quint, . Joseph W. Woodman, .	Peabody. Danvers.
11th,	{ Lynn, Ward 3, . . } { Swampscott, . . . }	Aaron R. Bunting, . E. Knowlton Fogg, .	Swampscott. Lynn.
12th,	{ Lynn, Wards, 1, 5, 7, } { Lynnfield, . . . . }	Charles O. Beede, . William H. Severance, .	Lynn. Lynn.
13th,	{ Lynn, Wards 2, 4, . } { Nahant, . . . . }	Henry C. Attwill, . Joseph G. Brown, .	Lynn. Lynn.
14th,	{ Lynn, Ward 6, . . } { Saugus, . . . . }	Otto W. Lewis, . . Howard K. Sanderson, .	Saugus. Lynn.
15th,	Marblehead, . . .	P. Howard Shirley, .	Marblehead.
16th,	Salem, Wards 1, 2, .	William D. Chapple, .	Salem.
17th,	Salem, Wards 3, 5, .	Tristram T. Savory, .	Salem.
18th,	Salem, Wards 4, 6, .	Charles E. Trow, . .	Salem.
19th,	{ Beverly, . . . . } { Essex, . . . . } { Gloucester, Ward 8, . } { Hamilton, . . . . } { Manchester, . . . } { Wenham, . . . . }	Samuel Cole, . . . Joseph W. Stocker, .	Beverly. Beverly.

## COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
20th,	{ Gloucester, Wards 1, 3, 4, } 5, 6, . . . }	Charles D. Brown, . Harvey C. Smith, .	Gloucester. Gloucester.
21st,	{ Gloucester, Wards 2, 7, } Rockport, . . . }	George M. McClain, .	Rockport.
22d,	{ Ipswich, . . . } Newbury, . . . } Newburyport, Wards 1, . 2, 3, 4, 5, . . . } Rowley, . . . }	Charles O. Bailey, . Charles P. Mills, .	Newbury. Newburyport.

## COUNTY OF MIDDLESEX.

1st,	Cambridge, Ward 1,	James J. Myers, .	Cambridge.
2d,	Cambridge, Ward 2, }	William R. Davis, . Jeremiah F. Donovan, .	Cambridge. Cambridge.
3d,	Cambridge, Ward 3,	John H. Ponce, .	Cambridge.
4th,	Cambridge, Ward 4, }	James W. Coleman, . George S. Evans, .	Cambridge. Cambridge.
5th,	Cambridge, Ward 5,	David T. Dickinson, .	Cambridge.
6th,	Somerville, Ward 1,	Horace C. White, .	Somerville.
7th,	Somerville, Wards 2, 4, }	Franklin F. Phillips, . Melville D. Jones, . Franklin E. Huntress, .	Somerville. Somerville. Somerville.
8th,	Somerville, Ward 3,	Leonard B. Chandler, .	Somerville.
9th,	Medford, Wards 1, 2, 4, 5,	J. Gilman Waite, .	Medford.
10th,	Everett, . . . }	George A. Brown, . Amos E. Hall, .	Everett. Everett.
11th,	Malden, . . . }	Harvey L. Boutwell, . Charles L. Dean, . John A. Powers, .	Malden. Malden. Malden.
12th,	{ Medford, Wards 3, 6, } Winchester, . . . }	Forrest C. Manchester, .	Winchester.
13th,	{ Arlington, . . . } Lexington, . . . }	George Franklin Mead, .	Lexington.

## COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	{ Belmont, . . . Watertown, . . . }	Fred E. Crawford, .	Watertown.
15th,	Waltham, . . . }	Otis M. Gove, . George W. Whidden, .	Waltham. Waltham.
16th,	Newton, . . . }	Albert F. Hayward, . Edward L. Pickard, .	Newton. Newton.
17th,	{ Bedford, . . . Concord, . . . Lincoln, . . . Weston, . . . }	Charles E. Brown, .	Concord.
18th,	Natick, . . .	Francis C. Perry, .	Natick.
19th,	{ Ashland, . . . Holliston, . . . Hopkinton, . . . Sherborn, . . . }	John A. Woodbury, .	Hopkinton.
20th,	Framingham, . .	John M. Merriam, .	Framingham.
21st,	{ Marlborough, . . . Sudbury, . . . Wayland, . . . }	William L. Morse, . Atherton W. Rogers, .	Marlborough. Sudbury.
22d,	{ Boxborough, . . . Hudson, . . . Maynard, . . . Stow, . . . }	Rufus Howe, . . .	Hudson.
23d,	{ Acton, . . . Ayer, . . . Littleton, . . . Shirley, . . . Westford, . . . }	Oliver K. Pierce, .	Ayer.
24th,	{ Ashby, . . . Groton, . . . Pepperell, . . . Townsend, . . . }	James Lawrence, .	Groton.
25th,	{ Chelmsford, . . . Dunstable, . . . Lowell, Wards 4, 7, 8, Tyngsborough, . . }	Wm. H. I. Hayes, . William A. Lang, . James P. Ramsay, .	Lowell. Lowell. Lowell.



## COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
26th,	Lowell, Wards, 1, 2, 3, 6, {	Richard Dobbins, . Joseph E. Pattee, . Edward T. Rowell, .	Lowell. Lowell. Lowell.
27th,	{ Billerica, . . . Burlington, . . . Carlisle, . . . Dracut, . . . Lowell, Wards 5, 9, . North Reading, . . . Tewksbury, . . . Wilmington, . . . }	Charles E. Hosmer, . Edward A. Stephens, .	Billerica. Dracut.
28th,	{ Reading, . . . . Woburn, . . . . }	James Wilson Grimes, . Alva Sylvanus Wood, .	Reading. Woburn.
29th,	Wakefield, . . . .	Otis V. Waterman, .	Wakefield.
30th,	Stoneham, . . . .	William H. Marden, .	Stoneham.
31st,	Melrose, . . . .	George R. Jones, .	Melrose.

## COUNTY OF WORCESTER.

1st,	{ Athol, . . . . Phillipston, . . . . Royalston, . . . . }	William H. Mellen, .	Athol.
2d,	{ Ashburnham, . . . . Gardner, . . . . Templeton, . . . . Winchendon, . . . . }	Levi G. McKnight, . Zadoc L. White, .	Gardner. Winchendon.
3d,	{ Barre, . . . . Dana, . . . . Hardwick, . . . . Hubbardston, . . . . Petersham, . . . . Westminster, . . . . }	George Howard Kelton, .	Petersham.
4th,	{ Holden, . . . . New Braintree, . . . . North Brookfield, . . . . Oakham, . . . . Princeton, . . . . Rutland, . . . . }	John Bush Dewing, .	No. Brookfield.

## COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Brookfield, . . . Sturbridge, . . . Warren, . . . West Brookfield, . . }	Wilson H. Fairbank, .	Warren.
6th,	{ Leicester, . . . Paxton, . . . Spencer, . . . }	Warren J. Livermore, .	Spencer.
7th,	{ Charlton, . . . Dudley, . . . Oxford, . . . Southbridge, . . . Webster, . . . }	Cary C. Bradford, . Cyrus Spaulding, .	Southbridge. Webster.
8th,	{ Auburn, . . . Douglas, . . . Millbury, . . . Sutton, . . . }	George F. Chase, .	Millbury.
9th,	{ Blackstone, . . . Grafton, . . . Northbridge, . . . Shrewsbury, . . . Uxbridge, . . . }	Cornelius R. Day, . John E. McClellan, .	Blackstone. Grafton.
10th,	{ Hopedale, . . . Mendon, . . . Milford, . . . Upton, . . . Westborough, . . }	Walter S. V. Cooke, . George L. Smith,* .	Milford. Westborough.
11th,	{ Berlin, . . . Boylston, . . . Clinton, . . . Northborough, . . . Southborough, . . . Sterling, . . . West Boylston, . . }	Edward A. Cowee, . Walter F. Howard, .	West Boylston. Clinton.
12th,	{ Bolton, . . . Fitchburg, Ward 6, . . Harvard, . . . Lancaster, . . . Lunenburg, . . . }	Charles W. Gale, .	Fitchburg.
19th,	{ Fitchburg, Wards 1, 2, 3, } 4, 5, . . . }	Francis F. Farrar, . Henry Thrasher, .	Fitchburg. Fitchburg.

\* Elected March 28; qualified March 30; in place of B. Alden Nourse, deceased February 2.

## COUNTY OF WORCESTER—CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
14th,	Leominster, . . .	Henry R. Smith, . . .	Leominster.
15th,	Worcester, Ward 1, . .	George M. Rice, . . .	Worcester.
16th,	Worcester, Ward 2, . .	Moses D. Gilman, . . .	Worcester.
17th,	Worcester, Ward 3, . .	Eugene M. Moriarty, . .	Worcester.
18th,	Worcester, Ward 4, . .	Michael L. Russell, . .	Worcester.
19th,	Worcester, Ward 5, . .	A. Edwin Enberg, . . .	Worcester.
20th,	Worcester, Ward 6, . .	George W. Coombs, . .	Worcester.
21st,	Worcester, Ward 7, . .	Willie C. Young, . . .	Worcester.
22d,	Worcester, Ward 8, . .	Charles G. Washburn, .	Worcester.

## COUNTY OF HAMPSHIRE.

1st,	{ Goshen, . . . Hadley, . . . Hatfield, . . . Northampton, . . . Westhampton, . . . Williamsburg, . . . }	Albert E. Addis, . . . Charles S. Shattuck, . .	Northampton. Hatfield.
2d,	{ Chesterfield, . . . Cummington, . . . Easthampton, . . . Huntington, . . . Middlefield, . . . Plainfield, . . . Southampton, . . . Worthington, . . . }	Clement F. Burr, . . .	Worthington.
3d,	{ Amherst, . . . Granby, . . . South Hadley, . . . Pelham, . . . }	George E. Fisher, . . .	Amherst.
4th,	{ Belchertown, . . . Enfield, . . . Greenwich, . . . Prescott, . . . Ware, . . . }	Joseph M. Harrington, .	Prescott.

## COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Brimfield, . . . Holland, . . . Monson, . . . Palmer, . . . Wales, . . . }	Thomas W. Kenefick, .	Palmer.
2d,	{ Agawam, . . . East Longmeadow, . Granville, . . . Hampden, . . . Longmeadow, . . . Ludlow, . . . Southwick, . . . Tolland, . . . Wilbraham, . . . }	William H. Porter, .	Agawam.
3d,	Springfield, Wards 1, 2, 3, }	George F. Fuller, . Willmore B. Stone, .	Springfield. Springfield.
4th,	Springfield, Wards 3, 4, 5, }	Henry H. Bosworth, . Albert T. Folsom, .	Springfield. Springfield.
5th,	Springfield, Wards 6, 7, .	Charles E. Hoag, .	Springfield.
6th,	{ Chicopee, Wards 1, 2, 3, } 4, 5, 6, . . . }	Henry J. Boyd, .	Chicopee.
7th,	{ Chicopee, Ward 7, . Holyoke, Wards 1, 2, 3, } 4, 5, . . . }	Thomas J. Dooling, . John F. Sheehan, .	Holyoke. Holyoke.
8th,	Holyoke, Wards 6, 7, .	Patrick J. Kennedy, .	Holyoke.
9th,	{ Blandford, . . . Chester, . . . Montgomery, . . . Russell, . . . West Springfield, . Westfield, . . . }	Andrew Campbell, . Frank P. Sargent, .	Westfield. W. Springfield.

## COUNTY OF FRANKLIN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Ashfield, . . . Buckland, . . . Charlemont, . . . Colrain, . . . Conway, . . . Hawley, . . . Heath, . . . Monroe, . . . Rowe, . . . Shelburne, . . . }	John B. Packard, . . .	Conway.
2d,	{ Bernardston, . . . Gill, . . . Greenfield, . . . Leyden, . . . }	Herbert C. Parsons, . . .	Greenfield.
3d,	{ Deerfield, . . . Leverett, . . . Montague, . . . Sunderland, . . . Wendell, . . . Whately, . . . }	Benjamin W. Mayo, . . .	Montague.
4th,	{ Erving, . . . New Salem, . . . Northfield, . . . Orange, . . . Shutesbury, . . . Warwick, . . . }	Edward H. Harding, . . .	Orange.

## COUNTY OF BERKSHIRE.

1st,	{ Clarksburg, . . . North Adams, . . . }	Clinton Q. Richmond, . . . John E. Magenis, . . .	North Adams. North Adams.
2d,	{ Dalton, . . . Hancock, . . . Lanesborough, . . . New Ashford, . . . Williamstown, . . . }	Almon E. Hall, . . .	Williamstown.
3d,	{ Adams, . . . Cheshire, . . . Florida, . . . Savoy, . . . Windsor, . . . }	Julius C. Anthony, . . .	Adams.

## COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	Pittsfield, . . .	John M. Stevenson,* . William A. Whittlesey, .	Pittsfield. Pittsfield.
5th,	{ Becket, . . . Hinsdale, . . . Lenox, . . . Peru, . . . Richmond, . . . Washington, . . . West Stockbridge, . }	Thomas Post, . . .	Lenox.
6th,	{ Lee, . . . New Marlborough, . . . Otis, . . . Sandisfield, . . . Stockbridge, . . . Tyringham, . . . }	Albert B. Clark, . . .	Lee.
7th,	{ Alford, . . . Egremont, . . . Great Barrington, . . . Monterey, . . . Mount Washington, . . . Sheffield, . . . }	George W. Mellen, . . .	Gt. Barrington.

## COUNTY OF NORFOLK.

1st,	{ Dedham, . . . Norwood, . . . }	Francis O. Winalow, . . .	Norwood.
2d,	Brookline, . . .	Emery B. Gibbs, . . .	Brookline.
3d,	Hyde Park, . . .	Charles F. Light, . . .	Hyde Park.
4th,	{ Canton, . . . Milton, . . . }	Edward L. Pierce, . . .	Milton.
5th,	Quincy, . . .	{ Thaddeus H. Newcomb, James Thompson, . . . }	Quincy. Quincy.
6th,	{ Braintree, . . . Weymouth, . . . }	Will W. Mayhew, . . . Edward B. Nevin, . . .	Braintree. Weymouth.
7th,	{ Avon, . . . Holbrook, . . . Randolph, . . . }	Henry A. Belcher, . . .	Randolph.

\* Elected February 9; qualified February 16; in place of Edward N. Robbins, member elected deceased, December 8, 1896.

## COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	{ Sharon, . . . Stoughton, . . . Walpole, . . . }	William Curtis, . . .	Stoughton.
9th,	{ Dover, . . . Medfield, . . . Millis, . . . Needham, . . . Wellesley, . . . }	Albert Clarke, . . .	Wellesley.
10th,	{ Bellingham, . . . Foxborough, . . . Franklin, . . . Medway, . . . Norfolk, . . . Wrentham, . . . }	Jefferson C. Gallison, . Daniel S. Woodman, .	Franklin. Medway.

## COUNTY OF PLYMOUTH.

1st,	{ Kingston, . . . Plymouth, . . . }	Horace P. Bailey, . . .	Plymouth.
2d,	{ Duxbury, . . . Marshfield, . . . Norwell, . . . Pembroke, . . . Scituate, . . . }	William A. Josselyn, . .	Pembroke.
3d,	{ Cohasset, . . . Hingham, . . . Hull, . . . }	Walter L. Bouvé, . . .	Hingham.
4th,	{ Hanover, . . . Hanson, . . . Rockland, . . . }	Eben C. Waterman, . .	Hanover.
5th,	{ Abington, . . . Whitman, . . . }	Ernest W. Calkins, . .	Abington.
6th,	{ Carver, . . . Lakeville, . . . Marion, . . . Mattapoisett, . . . Rochester, . . . Wareham, . . . }	Gustavus Atwood, . . .	Carver.
7th,	{ Halifax, . . . Middleborough, . . . Plympton, . . . }	David G. Pratt, . . .	Middleborough.

## COUNTY OF PLYMOUTH — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
8th,	{ Bridgewater, . . . East Bridgewater, . . West Bridgewater, . . }	Thomas W. Crocker, . .	Bridgewater.
9th,	Brockton, Wards 3, 4, .	Eugene B. Estes, . . .	Brockton.
10th,	Brockton, Wards 1, 2, 5, {	Frederic Hanson, . . . Charles W. Tilton, . .	Brockton. Brockton.
11th,	Brockton, Wards 6, 7, .	Frederic W. Hathaway,	Brockton.

## COUNTY OF BRISTOL.

1st,	{ Attleborough, . . . North Attleborough, . Norton, . . . . Rehoboth, . . . . Seekonk, . . . . }	Alfred R. Crosby, . . Burrill Porter, Jr., . .	Attleborough. N. Attleborough.
2d,	{ Easton, . . . . Mansfield, . . . . Raynham, . . . . }	Frank W. Barnard, . .	Mansfield.
3d,	Taunton, Wards 5, 7, 8, .	Lyman Mason, . . .	Taunton.
4th,	Taunton, Wards 2, 3, 4, .	Silas D. Reed, . . .	Taunton.
5th,	{ Berkley, . . . . Dighton, . . . . Taunton, Wards 1, 6, }	William W. Waterman,	Taunton.
6th,	{ Acushnet, . . . . Dartmouth, . . . . Fairhaven, . . . . Freetown, . . . . }	Edward R. Ashley, . .	Acushnet.
7th,	{ New Bedford, Wards 1, 2, 3, . . . . }	Thomas M. Denham, . . Samuel Ross, . . .	New Bedford. New Bedford.
8th,	{ New Bedford, Wards 4, 5, 6, . . . . }	Frank W. Francis, . . Fred D. Stanley, . .	New Bedford. New Bedford.
9th,	{ Fall River, Wards 1, 2, Westport, . . . . }	Joseph O. Neill, . . . James Whitehead, . .	Fall River. Fall River.
10th,	Fall River, Wards 3, 4, 5, {	Thomas Donahue, . . . Simon S. Sullivan, . .	Fall River. Fall River.



# HOUSE OF REPRESENTATIVES.

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## COUNTY OF BRISTOL — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	{ Fall River, W'rds 6, 7, 8, 9, } { Somerset, . . . } { Swanzey, . . . }	Hugo A. Dubuque, . Alexander Lockhart, . Charles E. Mills, .	Fall River. Fall River. Fall River.

## COUNTY OF BARNSTABLE.

1st,	{ Barnstable, . . . } { Bourne, . . . } { Falmouth, . . . } { Mashpee, . . . } { Sandwich, . . . }	Charles C. Crocker, .	Barnstable.
2d,	{ Chatham, . . . } { Dennis, . . . } { Harwich, . . . } { Yarmouth, . . . }	Luther Hall, . . .	Dennis.
3d,	{ Brewster, . . . } { Eastham, . . . } { Orleans, . . . } { Provincetown, . . . } { Truro, . . . } { Wellfleet, . . . }	Frank H. Pervere, .	Wellfleet.

## COUNTY OF DUKES COUNTY.

1st,	{ Chilmark, . . . } { Cottage City, . . . } { Edgartown, . . . } { Gay Head, . . . } { Gosnold, . . . } { Tisbury, . . . } { West Tisbury, . . . }	Otis Foss, . . .	Cottage City.
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## COUNTY OF NANTUCKET.

1st,	Nantucket, . . .	John J. Gardner, . .	Nantucket.
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JAMES W. KIMBALL, . . . . . *Clerk.*  
DANIEL W. WALDRON, . . . . . *Chaplain.*  
JOHN G. B. ADAMS, . . . . . *Sergeant-at-Arms.*

## JUDICIAL DEPARTMENT.

## SUPREME JUDICIAL COURT.

## CHIEF JUSTICE.

WALBRIDGE A. FIELD, . . . . . of Boston.

## ASSOCIATE JUSTICES.

CHARLES ALLEN, . . . . . of Boston.  
 OLIVER WENDELL HOLMES, . . . . . of Boston.  
 MARCUS P. KNOWLTON, . . . . . of Springfield.  
 JAMES M. MORTON, . . . . . of Fall River.  
 JOHN LATHROP, . . . . . of Boston.  
 JAMES MADISON BARKER, . . . . . of Pittsfield.

## SUPERIOR COURT.

## CHIEF JUSTICE.

ALBERT MASON, . . . . . of Brookline.

## ASSOCIATE JUSTICES.

CALEB BLODGETT, . . . . . of Boston.  
 JOHN W. HAMMOND, . . . . . of Cambridge.  
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 EDGAR J. SHERMAN, . . . . . of Lawrence.  
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 DANIEL W. BOND, . . . . . of Northampton.  
 HENRY K. BRALEY, . . . . . of Fall River.  
 JOHN HOPKINS, . . . . . of Millbury.  
 ELISHA BURR MAYNARD, . . . . . of Springfield.  
 FRANKLIN G. FESSENDEN, . . . . . of Greenfield.  
 JAMES B. RICHARDSON, . . . . . of Boston.  
 CHARLES S. LILLEY, . . . . . of Lowell.  
 HENRY N. SHELDON, . . . . . of Boston.  
 FRANCIS A. GASKILL, . . . . . of Worcester.  
 JOHN H. HARDY, . . . . . of Arlington.  
 HENRY WARDWELL, . . . . . of Salem.

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ROBERT GRANT, Boston, . . . . .	SUFFOLK.
ROLLIN E. HARMON, Lynn, . . . . .	ESSEX.
CHARLES J. McINTIRE, Cambridge, . . . . .	MIDDLESEX.
GEORGE FIELD LAWTON, Lowell, . . . . .	MIDDLESEX.
WILLIAM T. FORBES, Westborough, . . . . .	WORCESTER.
WILLIAM G. BASSETT, Northampton, . . . . .	HAMPSHIRE.
CHARLES L. LONG, Springfield, . . . . .	HAMPDEN.
CHESTER C. CONANT, Greenfield, . . . . .	FRANKLIN.
EDWARD T. SLOCUM, Pittsfield, . . . . .	BERKSHIRE.
GEORGE WHITE, Newton, . . . . .	NORFOLK.
BENJAMIN W. HARRIS, East Bridgewater, . . . . .	PLYMOUTH.
WILLIAM E. FULLER, Taunton, . . . . .	BRISTOL.
HIRAM P. HARRIMAN, Wellfleet, . . . . .	BARNSTABLE.
CHARLES G. M. DUNHAM, Edgartown, . . . . .	DUKES.
THADDEUS C. DEFRIEZ, Nantucket, . . . . .	NANTUCKET.

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HENRY RIDDELL, Nantucket, . . . . .	NANTUCKET.

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OLIVER STEVENS, Boston, . . . . .	SUFFOLK.
FRED N. WIER, Lowell, . . . . .	NORTHERN.
ALDEN P. WHITE, Danvers, . . . . .	EASTERN.
ROBERT O. HARRIS, East Bridgewater, . . . . .	SOUTHEASTERN.
ANDREW J. JENNINGS, Fall River, . . . . .	SOUTHERN.
HERBERT PARKER, Lancaster, . . . . .	MIDDLE.
CHARLES L. GARDNER, Palmer, . . . . .	WESTERN.
JOHN C. HAMMOND, Northampton, . . . . .	NORTHWESTERN.

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HENRY G. CUSHING, Lowell, . . . . .	MIDDLESEX.
ROBERT H. CHAMBERLAIN, Worcester, . . . . .	WORCESTER.
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EMBURY P. CLARK, Springfield, . . . . .	HAMPDEN.
ISAAC CHENERY, Montague, . . . . .	FRANKLIN.
CHARLES W. FULLER, North Adams, . . . . .	BERKSHIRE.
AUGUSTUS B. ENDICOTT, Dedham, . . . . .	NORFOLK.
ALPHEUS K. HARMON, Plymouth, . . . . .	PLYMOUTH.
EDWIN H. EVANS, Taunton, . . . . .	BRISTOL.
JOSEPH WHITCOMB, Provincetown, . . . . .	BARNSTABLE.
JASON L. DEXTER, Edgartown, . . . . .	DUKES.
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JOHN NOBLE, Boston, Supreme Judicial Court, . . . . .	SUFFOLK.
JOSEPH A. WILLARD, Boston, Sup. Ct., Civil Bus., }	SUFFOLK.
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THEODORE S. JOHNSON, Worcester, . . . . .	WORCESTER.
WILLIAM H. CLAPP, Northampton, . . . . .	HAMPSHIRE.
ROBERT O. MORRIS, Springfield, . . . . .	HAMPDEN.
CLIFTON L. FIELD, Colrain, . . . . .	FRANKLIN.
FRANK H. CANDE, Pittsfield, . . . . .	BERKSHIRE.
LOUIS A. COOK, Weymouth, . . . . .	NORFOLK.
EDWARD E. HOBART, Plymouth, . . . . .	PLYMOUTH.
SIMEON BORDEN, Fall River, . . . . .	BRISTOL.
SMITH K. HOPKINS, Barnstable, . . . . .	BARNSTABLE.
SAMUEL KENISTON, Edgartown, . . . . .	DUKES.
JOSIAH F. MURPHEY, Nantucket, . . . . .	NANTUCKET.

## MEMBERS OF THE FIFTY-FIFTH CONGRESS.

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[Congressional Districts established by Chap. 396, Acts of 1891, and Chap. 519, Acts of 1896.]

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## SENATORS.

GEORGE F. HOAR, . . . . . of Worcester.  
 HENRY CABOT LODGE, . . . . . of Nahant.

## REPRESENTATIVES.

DISTRICT I.—ASHLEY B. WRIGHT, . . . . . of North Adams.  
 II.—FREDERICK H. GILLET, . . . . . of Springfield.  
 III.—JOSEPH H. WALKER, . . . . . of Worcester.  
 IV.—GEORGE W. WEYMOUTH, . . . . . of Fitchburg.  
 V.—WILLIAM S. KNOX, . . . . . of Lawrence.  
 VI.—WILLIAM H. MOODY, . . . . . of Haverhill.  
 VII.—WILLIAM E. BARRETT, . . . . . of Melrose.  
 VIII.—SAMUEL W. McCALL, . . . . . of Winchester.  
 IX.—JOHN F. FITZGERALD, . . . . . of Boston.  
 X.—SAMUEL J. BARROWS, . . . . . of Boston.  
 XI.—CHARLES F. SPRAGUE, . . . . . of Brookline.  
 XII.—WILLIAM C. LOVERING, . . . . . of Taunton.  
 XIII.—JOHN SIMPKINS, . . . . . of Yarmouth.



The following tables have been prepared by FISHER AMES, Esq., appointed to that duty under Chapter 238 of the Acts of 1882, which directs the Governor to appoint some person to prepare "tables showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes."





# TABLES

SHOWING

WHAT GENERAL STATUTES OF THE COMMONWEALTH  
HAVE BEEN AFFECTED BY SUBSEQUENT  
LEGISLATION.

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## I.

### CHANGES IN THE "PUBLIC STATUTES."

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#### Chapter 1.—Of the Jurisdiction of the Commonwealth and Places ceded to the United States.

SECT. 1. Provision is made for defining the boundary line between Massachusetts and other states. Rhode Island,—St. 1883, 113, 154. Res. 1897, 88. New Hampshire,—Res. 1885, 73; 1886, 58; 1890, 73; 1891, 70; 1895, 106. New Hampshire and Vermont,—Res. 1893, 87. New York,—Res. 1897, 25.

SECT. 3. A part of Gallop's island in Boston harbor is added. St. 1889, 27. And certain lands in Winthrop. St. 1891, 81. And in Taunton. St. 1891, 197. And part of Peddock's island. St. 1897, 240.

SECT. 4. Lands for the use of the United States fisheries commission added. St. 1882, 131.

#### Chapter 2.—Of the General Court.

Legislation recommended by State boards, etc., shall be reported to the secretary of the Commonwealth before first Wednesday in January. St. 1893, 144.

The employment of legislative counsel and agents is regulated and provision made for returns of expenses therefor. St. 1890, 456; 1891, 223; 1885, 410; 1896, 342. (See 1891, 349; 1894, 298.)

Stenographic reports of committee hearings shall be deposited in State library, on or before end of session. St. 1897, 113.

SECT. 5 *et seq.* Manner of publishing notice and presenting petitions changed in certain cases. St. 1885, 24; 1890, 302; 1896, 381. (See 1885, 371; 1888, 375, § 3.)

Advertisement of committee hearings regulated. St. 1897, 503.

SECTs. 15, 16. Compensation of members changed. The issuing to or acceptance by them of railroad tickets free, or at less than usual rates, is forbidden. St. 1892, 59. (See 1884, 319; 1886, 352; 1894, 359.)

SECTs. 17, 18. Compensation of door-keepers, messengers, postmaster and pages fixed. St. 1895, 193. (See 1882, 257; 1887, 116. Res. 1894, 86.)

SECTs. 21, 22. Clerks' salaries fixed and allowance made for clerical assistance. St. 1884, 329, 334; 1888, 1; 1894, 394. (See 1882, 257.)

SECTs. 24, 35 repealed. St. 1884, 60.

SECT. 27. Number of door-keepers, etc., increased. St. 1882, 257 § 4; 1895, 11.

SECT. 32. See St. 1892, 124; 1893, 417 § 137.

SECT. 34. Additional holidays. St. 1882, 49; 1887, 263. Fast Day abolished and April 19 made a holiday. St. 1894, 180; 1896, 162.

### Chapter 3.—Of the Statutes.

A commission is established to promote uniformity of legislation in the United States. St. 1891, 405; 1893, 311. (See 1897, 232.)

Provision for codification of public statutes. Res. 1896, 87.

SECT. 1. When an act is to be voted on for acceptance by a municipal or other corporation, a return of the vote must be made to the secretary of the Commonwealth. St. 1883, 100.

SECT. 3. Words "mayor and aldermen" defined. St. 1882, 164.

"Net indebtedness" of towns, cities and districts defined. St. 1883, 127.

Legal notices may be published in a periodical devoted exclusively to legal news. St. 1885, 235.

Word "gaming" includes lotteries, policy, pool buying or selling and registering bets. St. 1895, 419 § 1.

### Chapter 4.—Of the Printing and Distribution of the Laws and Public Documents.

This chapter is revised. St. 1894, 393; 1895, 96, 238, 250, 290, 363, 463 § 2; 1896, 86, 189, 221, 223, 258; 1897, 134 § 2; 141, 243. (See 1882, 6, 158; 1883, 55; 1884, 166; 1885, 369; 1886, 346 § 2; 1887, 118; 1888, 23, 85, 122, 186, 191, 256, 383; 1889, 32, 35, 124, 150, 164, 212, 440; 1890, 50, 97, 126, 223 § 3, 347 § 2, 423 § 118; 1891, 76, 191, 193, 292; 1892, 140; 1893, 70, 108, 223, 413, 417 § 204, 438; 1894, 200. Res. 1886, 36; 1891, 60; 1894, 20; 1896, 5, 26, 27, 33, 35, 42, 61, 70, 88, 96, 99, 111; 1897, 6, 8, 20, 95.)

Provision is made for publishing tables of changes in the general statutes. St. 1882, 238. For reports of election cases. Res. 1886, 36. For reports of capital cases. St. 1886, 214. For supplements to the Public Statutes. St. 1888, 383. Res. 1891, 60. St. 1895, 363. Histories of certain Massachusetts soldiers and sailors. St. 1889, 374; 1891, 235. Res. 1891, 100; 1892, 67. (See St. 1893, 411, 413. Res. 1895, 62, 104. Res. 1896, 87; 1897, 22.)

Provision made for payment of postage and express charges on certain public documents. St. 1895, 93. (See 1889, 53; 1892, 422.)

No illustrations shall be introduced into printed reports to the governor or legislature unless authorized by law, or approved by secretary of state. St. 1896, 258.

#### **Chapter 5.—Of the State House, the Sergeant-at-Arms and State Library.**

Additional accommodations are provided for. St. 1882, 262; 1888, 349; 1889, 300, 394; 1892, 404, 438; 1893, 450; 1894, 532. (See 1891, 224; 1893, 129, 325; 1895, 39, 490; 1896, 531, 549. Res. 1891, 21, 25, 1892, 34, 96.) Portraits of governors to be collected. Res. 1890, 58; 1895, 54.

SECTS. 4, 6, 9, 10. The duties of the sergeant-at-arms are revised. St. 1884, 14; 1887, 128; 1889, 53; 1890, 456 § 2; 1891, 223; 1894, 230 § 2, 298; 1895, 11, 284.

He shall give bond for faithful performance of duties and accounting. St. 1895, 284 § 3.

Clerk provided for. St. 1887, 128. Salaries fixed: Sergeant-at-arms. St. 1895, 284 § 2. (See 1884, 333; 1887, 128.) Clerk. St. 1893, 358. (See 1887, 128.) Messenger. St. 1893, 409. Certain expenses provided for. St. 1894, 314; 1895, 10, 365. (See Res. 1895, 68.)

SECT. 12 is revised. Contingent expenses of the council and officers in the State House are omitted. St. 1887, 128. Authority enlarged. St. 1894, 531. (See 1897, 204.)

SECT. 15 *et seq.* The trustees and librarian are authorized to prepare an index of current events. St. 1892, 140.

SECT. 17 repealed. Appointment of trustees and librarian regulated and salaries fixed. St. 1893, 86. (See 1887, 209; 1892, 287; 1897, 113.)

SECT. 18. Additional allowance made for assistance in State library. St. 1891, 24. (See 1882, 29; 1886, 66.)

SECT. 20. Appropriation for books, furniture, etc., increased. St. 1897, 114. (See 1882, 196; 1888, 24.)

#### **Chapter 6.—Of the Qualification and Registration of Voters.**

This chapter is revised. St. 1893, 417 §§ 13-70; 1894, 268, 271, 291; 1895, 2, 27, 61, 207, 220, 489, 502; 1896, 73, 109, 469; 1897, 210, 530. (See 1882, 247, 268; 1884, 298; 1885, 246, 271 § 6, 345 § 7; 1886, 68, 264, 1887, 249, 329, 432; 1888, 200, 206; 1889, 69, 196, 337 § 1, 404, 1890, 393, 423 §§ 2-65, 208; 1891, 242, 277, 286, 290, 395; 1892, 351; 1893, 209, 351; 1895, 425; 1896, 363, 527, 547. Amendments to constitution, arts. 3, 32.) Special provisions for Boston. St. 1897, 296.

#### **Chapter 7.—Of the Manner of Conducting Elections and Returning Votes.**

This chapter is revised, and the laws relating to elections codified and consolidated. St. 1893, 417, 465; 1894, 132, 200, 209, 275, 343, 504; 1895, 196, 220, 237, 240, 242, 244, 253, 262, 275, 285, 299, 323, 355, 489,

502, 507, 508; 1896, 244, 383, 469, 518; 1897, 91, 475, 482, 530. (See 1882, 28, 74, 260; 1883, 42, 100, 229; 1884, 299; 1885, 108, 142, 159, 229, 248, 268, 351; 1886, 49, 262, 264; 1887, 272, 371; 1888, 146, 164, 203, 353, 434, 436, 437, 441; 1889, 191, 413; 1890, 175, 219, 223, 254, 381, 386, 393, 423, 436; 1891, 10, 31, 74, 155, 238, 256, 264, 269, 270, 278, 305, 314, 328, 329, 336; 1892, 51, 115, 124, 190, 224, 279, 316, 332, 368, 405, 406, 416, 431; 1893, 39, 87, 146, 177, 209, 304, 307, 308, 349, 351, 376; 1894, 248, 385 § 2, 449; 1895, 89, 436, 502; 1896, 363, 393, 527.)

Political committees and caucuses are regulated. St. 1895, 489, 502, 507; 1896, 109, 435, 469; 1897, 530. (See 1888, 441; 1893, 417 §§ 71-74; 1894, 504.)

Provision for inquests in election cases. St. 1895, 355.

An act relative to the State ballot law commission. St. 1896, 383. (See 1889, 413; 1890, 436 § 5; 1891, 270; 1892, 406; 1893, 417 §§ 92-95; 1893, 343.)

McTammany voting machines are authorized. St. 1893, 465; 1896, 498. And stamps for marking ballots. St. 1896, 518.

#### **Chapter 8. — Of the Election of Governor and other State Officers.**

This chapter is revised. St. 1893, 417 §§ 146, 198, 247. (See 1884, 299 § 7; 1885, 107; 1886, 262 § 5; 1890, 423 §§ 146-164, 228.)

New senatorial and councillor districts are established, and new apportionment made of representatives. St. 1896, 509. (See 1886, 256, 338, 348; 1897, 287, 475.)

#### **Chapter 9. — Of the Election of Representatives in Congress and Electors of President and Vice President.**

This chapter is revised. St. 1893, 417, Title IX. (See 1888, 382; 1890, 423 §§ 165-187, 228; 1892, 279.)

New congressional districts established. St. 1896, 519. (See 1891, 396.) The requirement of residence in the district is omitted. St. 1882, 253.

#### **Chapter 10. — Of the Election of District and County Officers.**

This chapter is revised. St. 1893, 417, Title IX. (See 1890, 423 §§ 188-207; 1892, 115; 1893, 39.)

The office of commissioner of insolvency is abolished. St. 1895, 100. (See Res. 1894, 87.)

#### **Chapter 11. — Of the Assessment of Taxes.**

Provision is made for a State tax on certain collateral successions and grants. St. 1891, 425; 1892, 379; 1893, 432; 1895, 307, 430; 1896, 168.

Polls and estates established as a basis for apportionment of State and county taxes. St. 1895, 90. (See 1883, 71; 1886, 73; 1889, 103; 1892, 96.)

The rate of taxation is limited in cities. St. 1885, 312 § 1; 1893, 247, 445. (See 1885, 178; 1887, 226.)

Provision for assessment of property held for water-supply purposes in another city or town. St. 1893, 352.

The assessors may divide any ward in a city into convenient assessment districts. St. 1889, 115.

They shall print and distribute in cities and certain towns, and post in other towns, lists of voters and polls. St. 1893, 417 § 18. (See 1884, 298 § 19; 1888, 206; 1890, 305, 423 §§ 25, 26; 1891, 277; 1892, 351 §§ 7-10.)

SECT. 1. As to poll taxes on females, see St. 1893, 417 §§ 14, 16.

SECT. 4. "Or indebtedness" substituted for "due" in sixth line. St. 1882, 76. But see St. 1888, 363. Words "this proviso shall apply to corporations mentioned in Pub. St., ch. 13 § 46," added. St. 1887, 228.

Railroad bonds are made taxable. St. 1888, 363.

Personal property leased for profit is made taxable, where situate, to the owner or person having possession. St. 1889, 446.

SECT. 5, cl. 3, is revised. Certain societies and associations are added. St. 1889, 465. (See 1882, 217 § 2; 1886, 231; 1888, 158.)

Cl. 9. Certain real estate of incorporated horticultural societies is exempted. St. 1884, 176.

Cl. 10. It does not affect the exemption that the property is owned in common with others. St. 1885, 169.

Cl. 11. Domestic fowls to the value of fifteen dollars exempted. St. 1894, 220.

Cl. 12. See St. 1884, 298 § 7. Property of certain disabled soldiers and sailors exempted to the amount of \$2,000. St. 1897, 148. (See 1894, 315; 1895, 202.)

SECT. 6. See St. 1883, 189.

SECT. 10. The provisions of this section are extended. St. 1893, 149. (See 1887, 373; 1889, 286; 1891, 116.)

SECT. 13. The person appearing as the owner of record is to be held to be the true owner even though deceased. St. 1889, 84.

SECT. 14 amended. "Taxable real estate," in first line, changed to "real estate not exempt from taxation under section five of this chapter." St. 1882, 175, § 3.

SECTS. 14-16. See St. 1888, 390 §§ 32-34; 1889, 334.

SECT. 20. Provision made for assessment of personal property held by an assignee in insolvency, or for creditors; and of personal property held by joint owners or tenants in common, other than partners. St. 1882, 165.

Royalty-paying machines are assessable. St. 1887, 125. Personal property leased for profit shall be assessed where situated. St. 1889, 446.

Cl. 2. An act to prevent the double taxation of certain machinery. St. 1894, 304.

Cl. 5. Amended to prevent double taxation. St. 1894, 490.

Cl. 6. See St. 1888, 390, § 26.

Cl. 7. See St. 1891, 425.

SECT. 31 *et seq.* See St. 1885, 312; 1893, 247, 445.

SECT. 34. See St. 1882, 133.

SECT. 38. Returns of mortgages of real estate provided for. St. 1882, 175. And of property held for literary, benevolent, charitable or scientific

purposes. St. 1882, 217; 1888, 323. Uniform form of returns provided for. St. 1894, 294.

SECT. 38 *et seq.* See St. 1884, 298 §§ 11-14; 1888, 200, 206; 1890, 423 § 17; 1893, 352, 417 §§ 16-21.

SECTS. 38, 72. See Res. 1892, 55.

SECT. 39 amended. St. 1891, 381.

SECT. 44. Provision for abatement without a new list in certain cases. St. 1894, 354.

SECT. 49. The overlay is valid, although it may cause the tax to exceed the legal limit. St. 1887, 226. (See 1885, 312; 1887, 281; 1888, 362; 1893, 247, 445.)

SECT. 50. Provision for free access to lists of valuation and assessment. St. 1888, 307; 1897, 439 § 7.

SECTS. 52-55 are amended and changes made in returns. St. 1883, 41, 91; 1890, 242; 1891, 65. (See 1885, 106; 1886, 56; 1887, 86. Amendments to constitution, art. 32.) As to Boston, see St. 1894, 318.

SECT. 61. Assessors shall certify amount assessed upon each poll as State and county tax respectively. St. 1889, 467 § 1.

SECT. 69. Tenants under obligation to pay taxes may apply for abatement. St. 1888, 315. (St. 1890, 127.)

SECTS. 69-76. Appeal may be made to superior court. Proceedings regulated. St. 1890, 127; 1895, 75. (See 1882, 218; 1893, 352 § 3.)

SECT. 73. See St. 1884, 298 § 11; 1888, 200 §§ 1, 4; 1890, 423 § 14; 1893, 417 § 22.

SECT. 75. Interest allowed on taxes abated. St. 1894, 207.

SECT. 77. See St. 1885, 67, 161.

SECT. 78 is revised. St. 1888, 362. (See 1886, 85.)

SECT. 90. Assessors must send to tax commissioner all lists and statements received of exempt property. St. 1882, 217 § 3.

SECT. 91. Amount of sinking funds or proportionate annual payments of debts must be given. St. 1882, 133 § 2.

SECT. 92. As to Boston, see St. 1882, 252 § 5; 1892, 419 § 138.

SECT. 93. Apportionment of State and county taxes is to be stated on tax bills of males assessed for poll tax only, and they are not entitled to a certificate under this section. St. 1889, 467 § 2. (See 1884, 298 § 8.)

SECTS. 96, 97. For apportionments, see St. 1883, 71; 1886, 73; 1889, 103; 1892, 96; 1895, 90; 1897, 501.

#### Chapter 12. — Of the Collection of Taxes.

This chapter is repealed, and the law as to the collection of taxes revised and codified. St. 1888, 390; 1889, 253, 334; 1890, 331; 1891, 288; 1892, 109, 168, 370; 1893, 241; 1894, 537; 1897, 126. (See 1882, 243; 1883, 101; 1884, 162, 242; 1886, 320; 1887, 110, 142.)

The service of process in the collection of taxes is regulated. St. 1892, 168. Provision made for preservation of accounts, papers and records relating to assessment and collection of taxes. St. 1892, 370.

State treasurer may sue to recover the State legacy and succession tax. St. 1891, 425 § 18.

Provision to prevent excessive charges in redemption of tax titles. St. 1891, 288.

**Chapter 13. — Of the Taxation of Corporations.**

Office of deputy tax commissioner abolished and that of tax commissioner and commissioner of corporations established; duties defined and salary fixed. St. 1890, 160; 1891, 233 § 2, 360; 1894, 484, 522 § 92; 1897, 63. (See 1882, 217 § 3, 252 § 5; 1887, 214 § 94, 342 § 1; 1890, 127 § 7.)

SECT. 2. Salaries of clerks fixed and allowance made for clerical assistance. St. 1887, 342 § 2; 1891, 342.

SECT. 6. See St. 1882, 217 § 3, 252 § 5.

SECTS. 8, 9. Provision made for counsel to defend suits to recover a national bank tax paid to a city or town. St. 1886, 332. (See 1887, 142 § 3; 1888, 390 § 95.)

SECTS. 17, 40. Title insurance companies are to be taxed under these sections. St. 1884, 180 § 5; 1887, 214 §§ 62-64.

SECT. 20. The exemption is extended. (See ch. 116 § 20, cl. 8.) St. 1883, 248. (See 1886, 77.)

SECTS. 20, 22. Taxes upon savings banks to be assessed by, and returns made to tax commissioner. St. 1890, 160 § 4. Provision for repayment of tax on real estate used for banking purposes. St. 1890, 406; 1891, 171.

SECT. 24 is repealed. The capital stock, franchises and personal estate, but not the real estate, of co-operative banks are exempted. St. 1890, 63. (See 1883, 98; 1885, 121 § 3.)

SECT. 25 *et seq.* The provisions as to the taxation of insurance companies are revised, and §§ 26, 34, 37 are amended. St. 1887, 283; 1888, 154; 1890, 197; 1892, 129. (See 1887, 214 §§ 19, 64.)

SECT. 33 amended. When reinsurance is effected otherwise than by licensed resident agent no deduction is to be made for sums paid therefor. St. 1888, 154. (See 1887, 214; 1890, 197; 1892, 129.)

SECTS. 38-40. Telephone companies are to be taxed under these sections. St. 1885, 238; 1886, 270.

SECTS. 40, 52, 53, 54, 57, 58, 59. Taxation of safe deposit, loan and trust companies regulated. St. 1888, 413 §§ 21-24.

SECT. 43. Taxation of foreign mining, quarrying, land and oil companies regulated. St. 1882, 106; 1883, 74; 1884, 330 § 3; 1886, 230. (See 1891, 341.)

SECT. 46. Corporations mentioned in this section are within the proviso of ch. 11 § 4, as to local taxation. St. 1887, 228. Rate of taxation fixed. St. 1895, 300.

SECTS. 61, 62. Appeal from assessors may be made to superior court. Proceedings regulated. St. 1890, 127. (See 1895, 75.)

**Chapter 14. — Of the Militia.**

This chapter is revised. St. 1893, 367, 439; 1894, 236; 1895, 465; 1896, 348, 425; 1897, 391, 438, 448. (See 1882, 97, 154 § 11, 178, 179; 1884, 45, 230; 1885, 147, 236; 1886, 63, 105, 237; 1887, 411; 1888, 306, 384; 1889, 360; 1890, 425; 1891, 232; 1892, 238, 366; 1893, 193, 231. Res. 1882, 15; 1890, 67.)

A naval brigade is established. St. 1892, 366; 1893, 367 § 29; 1894, 312; 1896, 182. (See 1888, 366.) And a nautical training school. St. 1891, 402; 1893, 124.

Provision made for armories in cities. St. 1888, 384; 1894, 211; 1897, 253. (See 1893, 121, 367 §§ 90, 92-97; 1895, 465 § 5.) And for a military museum. St. 1897, 204.

The law defining what bodies of men may parade with arms is revised. St. 1895, 465 § 6. (See 1887, 411 § 124; 1890, 425 § 10; 1893, 367 § 124. Res. 1890, 67.)

Ambulance corps reorganized. St. 1894, 236.

Provision is made for appointment of a State military and naval historian. St. 1889, 374; 1891, 235. (See Res. 1894, 14, 94; 1895, 62, 104; 1896, 80.) And for a compilation of records of the revolutionary war. Res. 1891, 100. And of the grand army of the republic. St. 1893, 411. (See St. 1893, 413.)

#### Chapter 15.—Of the Executive Department and the Secretary of the Commonwealth.

Provision for delegates to certain national conventions. St. 1894, 376.

SECTs. 1-10. Salaries fixed: Governor; St. 1892, 101. (See 1884, 328; 1892, 59.) Governor's private secretary and executive clerk; St. 1891, 411. (See 1884, 8; 1885, 77; 1887, 83.) Executive messenger; 1891, 429. (See 1884, 38; 1887; 221.) Stenographer; 1897, 188. (See 1892, 16.) Secretary of the Commonwealth; 1888, 385. (See 1884, 79.) First and second clerks; 1891, 410. (See 1885, 87; 1886, 238.) Third clerk; 1897; 351. (See 1883, 48; 1887, 26; 1893, 103.) Allowance for messenger and clerk hire; 1890, 239; 1893, 112; 1895, 402. And for extraordinary expenses. St. 1890, 415. (See 1884, 15; 1889, 101; 1890, 455.)

The secretary is required to give bond and make annual reports. St. 1892, 262; 1893; 148; 1896, 443. (See 1894, 393 § 7.)

SECT. 2. Salary of lieutenant governor, when acting governor, fixed. St. 1896, 347.

SECT. 9. Additional duties of the secretary: As to elections. St. 1893, 417; 1895, 242. (See 1888, 436 §§ 13, 14; 1890, 223 § 3, 423 § 118; 1891, 328, 329; 1892, 124, 416 § 18. Res. 1896, 78.) Changes of names of corporations. St. 1891, 360 § 5. As to returns of medical examiners. St. 1885, 379 §§ 4-6. Department records. St. 1883, 99. Res. 1884, 60. St. 1885, 337; 1894, 378. (See Res. 1893, 30, 32.) Reports to governor or legislature. St. 1893, 144; 1896, 258; 1897, 243. State printing. St. 1896, 248, 258. (See 1893, 287. Res. 1897, 66.) Care of Commonwealth building. St. 1884, 14. Sale of railroad equipments, etc. St. 1894, 326 § 2. (See 1893, 413.) Index to state archives. Res. 1896, 83.

SECT. 12. Form and device of the great seal established. St. 1885, 288.

SECT. 15 is repealed. Blank forms for returns are to be furnished by the commissioners of prisons. St. 1882, 226.



**Chapter 16.—Of the Auditor, Treasurer and Matters of Finance.**

The par of exchange established by U. S. Rev. St. § 3565 is adopted. St. 1882, 110.

Duties of auditor extended. St. 1882, 22; 1883, 258, 264; 1884, 179, 207, 255 § 30; 1885, 41, 313, 371 § 2, 385; 1886, 300; 1887, 87; 1891, 384; 1893, 287, 417 § 123; 1897, 501.

Provision made for auditing accounts of county officers, officers of inferior courts and trial justices, and for returns and payments by them. St. 1887, 438; 1888, 275; 1890, 216, 306, 380 § 3; 1893, 257, 270; 1894, 183, 248. (See 1886, 169; 1890, 204, 215.)

Provision made for an agent to prosecute claims of the Commonwealth against the United States. Res. 1883, 45.

Claims under St. 1862, 62; 1863, 254, to be filed with the auditor. St. 1882, 112. (See 1894, 67.)

Provisions of this chapter extended to advances on account of nautical training school. St. 1893, 124.

SECT. 2. Salaries fixed. Auditor; St. 1889, 70. (See 1885, 195.) Clerks; St. 1891, 375. Expert in printing; St. 1893, 287. (See 1885, 195; 1887, 30; 1888, 432.) Clerical assistance. St. 1894, 397.

SECT. 7. Time for auditor's report changed. St. 1884, 207.

SECT. 17. Clerks and clerical assistance provided for, and salaries of treasurer and clerks fixed. St. 1885, 263; 1886, 38, 334; 1889, 349; 1891, 233; 1893, 432; 1895, 276, 392; 1896, 326. (See 1882, 111; 1883, 164; 1885, 15; 1891, 310; 1894, 522 § 4.) Messenger allowed. St. 1897, 256. Office hours regulated. St. 1886, 257.

Provisions in regard to trust deposits. St. 1891, 233; 1893, 224; 1894, 522 §§ 31, 79, 94. (See 1887, 214 § 94.) Standard weights and measures. St. 1897, 443.

SECT. 18 superseded. St. 1890, 160.

SECTS. 19, 26, 60. Provision for management of surplus accumulations of sinking funds. St. 1891, 259. (See 1893, 424.) Certain moneys are to be paid into the school fund. St. 1890, 335; Res. 1894, 90.

Treasurer may receive from the United States, and pay over, sums for the soldiers' home. St. 1890, 373. (See 1889, 282.) And moneys from cities and towns in support of practice and model schools. St. 1896, 133. (See 1893, 407 § 9; 1894, 288 § 10; 433 § 4.)

SECT. 26. Annual financial estimates are to be made to the auditor. St. 1885, 41.

SECT. 28. Advances for small expenses and method of accounting therefor provided for. St. 1884; 179; 1887, 269 § 5, 438; 1888, 180, 322; 1890, 58; 1891, 54; 1893, 124; 1894, 245, 314; 1895, 10. (See 1895, 34.)

Certain unclaimed funds shall be paid to the treasurer. St. 1890, 330.

SECT. 42 repealed, and power of committees to cause hearings to be advertised limited. St. 1885, 371. (See 1885, 24.)

SECT. 52. Payments of money from sales of public property regulated. St. 1884, 326. (See 1897, 121.)

**SECT. 53.** Suits for collateral legacy and succession tax are to be brought by the treasurer. St. 1891, 425 § 18. (See 1892, 379; 1893, 432.)

**SECT. 54.** Advances on account of monthly salaries authorized. St. 1895, 34.

**SECT. 55** extended to trust and safe deposit companies approved by the governor and council. St. 1891, 310.

**SECT. 60.** Additional investments are allowed. St. 1882, 130.

**SECT. 72, 73** repealed. St. 1887, 438 § 8. (See 1886, 169; 1888, 275; 1890, 216, 306, 380; 1893, 270.)

#### **Chapter 17. — Of the Attorney-General and the District Attorneys.**

**SECT. 1, 2.** Duties and authority of the attorney-general regulated. St. 1896, 490. (See 1886, 216; 1888, 425.)

Salaries fixed. St. 1889, 402. (See 1896, 490 § 3.)

**SECT. 3.** Attorney-general shall appear in capital cases when the public interests require it. St. 1891, 379 § 10; 1893, 324.

**SECT. 8** extended. St. 1892, 159; 1894, 127; 1895, 373.

**SECT. 9.** Attorney-general may cause reports of capital cases to be published. St. 1886, 214. (See 1890, 374; 1895, 372.)

**SECT. 10.** Allowance for contingent expenses increased. St. 1890, 388.

**SECT. 13-15.** Salaries fixed and assistants allowed: Eastern district; St. 1882, 156, 157; 1888, 289. Middle; 1889, 250. (See 1885, 168.) Assistant; 1888, 157; 1893, 138. Southern; 1892, 319. Assistant; 1897, 306. (See 1893, 457.) South-eastern; 1888, 267. Assistant; 1891, 113; 1894, 297. (See 1888, 267 § 2.) Suffolk; 1887, 160. First assistant; 1892, 233. Second assistant; 1887, 160. Clerk; 1889, 238. (See 1882, 245 § 2; 1887, 160.) Western; 1887, 97.

Salaries of all assistants are to be paid out of the treasury of the Commonwealth. St. 1895, 424.

**SECT. 16.** See St. 1888, 267 § 2; 1891, 113.

**SECT. 19** is extended. St. 1893, 345. (See 1885, 379 § 7.)

#### **Chapter 18. — Of Notaries Public and Commissioners to administer Oaths of Office and to take Acknowledgments of Deeds.**

Form of acknowledgment and execution of deeds, etc., established. St. 1894, 253; 1895, 460.

**SECT. 1.** Notaries have jurisdiction throughout and are appointed for the Commonwealth. St. 1891, 38.

Women may be appointed special commissioners to administer oaths, take acknowledgments and depositions and summon witnesses. St. 1883, 252; 1889, 197; 1886, 476. (See 1882, 139.)

**SECT. 14.** The oath may be taken before a United States minister or consul. St. 1885, 31.

#### **Chapter 19. — Of the Board of Harbor and Land Commissioners.**

The commissioners are authorized to remove wrecks and obstructions in tide-waters. St. 1883, 260. (See 1887, 98.)

United States government may occupy and fill flats on Gallop's island,

and build structures over tide-waters. St. 1889, 27 § 2. And on Peddock's island. St. 1897, 240 § 3.

SECT. 1. Salaries fixed. St. 1893, 298.

SECT. 2. Custody of archives of Maine lands transferred to the secretary of the Commonwealth. St. 1883, 99.

SECT. 3 not to apply to certain province lands. St. 1893, 470 § 4. (See 1886, 144.) The commissioners have general care and supervision of the Connecticut river and of structures therein. St. 1885, 344; 1891, 266. (See 1882, 274; 1883, 183.) Building restricted in the river. St. 1893, 301.

They have the same charge of Commonwealth lands, not otherwise provided for, that they have of lands in tide-waters. St. 1886, 144. (See 1888, 318; 1893, 470; 1897, 146, 392, 486.)

SECT. 7. Regulations are established for Gloucester harbor; St. 1885, 315; 1895, 106. Harbor lines are established for Boston; St. 1892, 358 § 2. East Boston; 1882, 48. South bay, Boston, 1891, 309. Chelsea; 1887, 344. Gloucester; 1882, 103; 1883, 109; 1895, 106 § 2. Haverhill; 1883, 104. (See 1891, 344; 1893, 435; 1897, 479, 486.)

SECT. 8 *et seq.* The board has supervision over great ponds and may license structures therein. St. 1888, 318. (See 1886, 248.) A license is required to dam a navigable stream or outlet of a great pond for cranberry culture. St. 1892, 55.

SECTS. 8, 10, 11, 12 apply to the Connecticut river. St. 1885, 344 §§ 2, 3; 1891, 266.

SECTS. 10-13, 16 apply to great ponds. St. 1888, 318 § 5.

SECT. 16. See St. 1897, 146.

#### Chapter 20. — Of the State Board of Agriculture.

An agricultural experiment station is established, and membership and duties of board of control prescribed. St. 1882, 212; 1883, 105; 1885, 327; 1887, 31, 212; 1888, 333; 1889, 111; 1894, 143, 144; 1895, 57, 421; 1896, 254, 297; 1897, 117. (See 1888, 296.)

A dairy bureau is established, to consist of three members of the board of agriculture. St. 1891, 412; 1892, 139. (See 1894, 280; 1895, 212.)

Provision is made for registration of pedigrees of horses. St. 1890, 334. And for punishing false registration or giving false pedigrees of horses, cattle, etc. St. 1887, 143; 1890, 334.

The agricultural college may receive moneys granted by the United States. St. 1889, 111. (See 1887, 212.)

The trustees of the college are allowed certain expenses. St. 1889, 45.

Provision is made for a bounty for sugar from beets or sorghum cane. St. 1883, 189. And for bounties to chartered poultry associations. St. 1895, 351.

SECT. 1. Membership of board changed. St. 1894, 144.

SECT. 2 amended. St. 1896, 254.

SECT. 4. Assistant secretary provided for. St. 1891, 412 § 6. Salaries fixed: Secretary; St. 1883, 184. Assistant; St. 1891, 412 § 6. Clerks; St. 1891, 800; 1892, 143; 1893, 130. (See 1887, 245.)

Allowance for clerical services and for lectures increased. St. 1884, 66.

SECT. 5, 6. The board is authorized to collect and circulate information about abandoned farms. St. 1891, 280. (See Res. 1893, 46.)

And to take measures to exterminate the "gypsy" moth. St. 1891, 210. (See 1890, 95. Res. 1893, 40.) Provision is made for extermination of insect pests by cities and towns. St. 1893, 78.

SECT. 8 amended. St. 1894, 101.

#### Chapter 21.—General Provisions relating to State Officers.

A civil service commission is established and appointments to service regulated. St. 1884, 320; 1887, 364; 1888, 41, 253, 334; 1889, 177, 183, 351, 352; 1891, 140; 1893, 95, 253; 1894, 267; 1895, 376, 501; 1896, 449, 494, 502, 517; 1897, 328. (See 1887, 437; 1888, 41; 1889, 473; 1894, 519; 1895, 376; 1896, 86, 256, 424. Res. 1892, 34.)

Certain officers shall not accept railroad tickets at less than usual rates. St. 1892, 59.

Legislation recommended by State boards and commissions shall be reported to the secretary of the Commonwealth before the first Wednesday in January. St. 1893, 144.

Provision made for appointment of a State military and naval historian. St. 1889, 374; 1891, 235. (See Res. 1894, 14, 94; 1895, 62, 104; 1896, 80.) And for a compilation of records of State soldiers and sailors in the revolutionary war. Res. 1891, 100. And of the grand army of the republic. St. 1893, 411. (See St. 1893, 413. Res. 1893, 49.)

Legal services required by officers or boards shall be performed by or under direction of the attorney general. St. 1896, 490.

Standard record inks required. St. 1894, 378.

SECT. 1. Tenure of office of officers appointed by governor and council regulated. St. 1887, 364.

SECT. 7. Official bonds must be examined yearly, and, if insufficient, renewed. St. 1885, 32; 1893, 257.

SECT. 10. Treasurer's office hours regulated. St. 1886, 257; 1896, 522. Advancements on account of salaries authorized. St. 1895, 34.

#### Chapter 22.—Of Counties and County Commissioners.

Powers and duties of county commissioners are further defined. St. 1897, 137. Provision for removal of county commissioners in certain cases. St. 1897, 224.

A penalty is provided for violation of duty by county officers. St. 1897, 130.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 5. Counties to provide places for holding district and police courts. St. 1893, 396 § 1.

SECT. 13. When their clerk is absent, the commissioners shall appoint one of their number clerk *pro tempore*. St. 1890, 198. Proceedings regulated. *Pro tempore* clerk may be a woman and shall be sworn. St. 1896, 384.

SECT. 14. Compensation fixed: Barnstable; St. 1893, 276. Berkshire;

St. 1890, 133. Bristol; 1893, 291. (See 1886, 251; 1889, 339.) Essex; 1892, 354. (See 1885, 277.) Franklin; 1888, 65. Hampden; 1889, 80. Hampshire; 1887, 211. Middlesex; 1889, 303. (See 1885, 277.) Norfolk; 1892, 399. (See 1885, 277; 1891, 80.) Plymouth; 1892, 298. (See 1886, 251.) Worcester; 1893, 288. (See 1886, 251; 1891, 79; 1892, 59; 1893, 275 § 1.) Transportation expenses are allowed. St. 1893, 273.

Special commissioners. St. 1894, 250; 1895, 112.

SECT. 15. Meetings changed in Berkshire. St. 1883, 63.

SECT. 17. Certain formal proceedings are authorized, notwithstanding disqualification. St. 1893, 238.

SECT. 18 repealed. St. 1893, 275 § 2.

SECT. 19. Oaths of treasurers and registers of deeds are to be recorded. St. 1890, 308.

SECT. 20. First paragraph amended. St. 1897, 137 § 1. Commissioners may examine reservoirs and dams, and proceed under P. S., ch. 190 §§ 53-58. St. 1891, 315; 1893, 99.

Provision for additional accommodation for courts in Middlesex. St. 1893, 160; 1895, 492. And in Worcester. St. 1896, 350.

Provision made for certain expenses of inferior courts and justices. St. 1890, 440 § 11; 1891, 70, 325; 1893, 396 § 1. And for rearranging, indexing and recording certain records and dockets when worn, mutilated or indistinct. St. 1891, 225; 1892, 253.

Provision in regard to payment of county taxes. St. 1889, 253.

Orders drawn on county treasurers must be recorded, certified and accompanied by original vouchers. St. 1890, 206, 380; 1897, 128, 129.

Proposals for county loans must be advertised for. St. 1895, 111. (See 1895, 143.)

SECT. 22 is revised. St. 1897, 137 § 2. (See 1897, 128, 129, 130, 153.)

SECT. 26 is limited to regular commissioners and made applicable to issuing orders of notice. St. 1885, 91.

### Chapter 23.—Of County Treasurers and County Finances.

SECT. 1 is revised. St. 1897, 128 § 1. Record shall be made of oath of treasurer. St. 1890, 308.

SECT. 2. Salaries fixed: Berkshire; St. 1889, 58. Bristol; 1889, 16. Essex; 1886, 133. Hampden; 1884, 112. Hampshire; 1887, 159. Middlesex; 1887, 57. Norfolk; 1892, 295. (See 1890, 143.) Plymouth; 1889, 260. Worcester; 1886, 132.

Allowance for clerical assistance: Bristol; St. 1892, 144. Essex; 1889, 310; 1896, 147. Middlesex; 1889, 85. Norfolk; 1895, 133. Plymouth; 1897, 257. Worcester; 1893, 156; 1895, 113. And travelling expenses in certain counties. St. 1896, 176.

SECT. 6 *et seq.* County expenditures regulated. St. 1890, 206, 209, 296; 1897, 128, 129, 153. (See 1887, 438; 1890, 216, 380; 1893, 270; 1894, 497 § 5; 1895, 482; 1896, 172, 357.)

Proposals for county loans must be advertised for. St. 1895, 111. (See 1895, 143; 1897, 128.)

Provision for approval of plans for building or enlarging county prisons. St. 1897, 316.

No payments of fees to clerks of courts. St. 1890, 209.

SECT. 10 amended. Personal liability of treasurer in certain cases. St. 1897, 128 § 2.

SECTS. 11, 20, 30. Yearly reports of prison receipts and expenses provided for. St. 1891, 187; 1892, 430.

SECT. 20 is amended. St. 1897, 130 § 4.

SECT. 22 is revised. St. 1895, 143; 1896, 128, 443. (See 1895, 482, 493 § 2; 1896, 172.)

SECTS. 22-28. Treasurer's accounts and returns regulated. St. 1897, 129, 153. (See 1887, 438; 1888, 275; 1890, 141, 380; 1895, 482; 1897, 128, 130.)

SECT. 23 is repealed. St. 1897, 130 § 5.

SECT. 24 affected. St. 1889, 253; 1897, 153 § 8.

SECT. 26 is revised. St. 1897, 128 § 3.

SECT. 28 repealed. St. 1897, 153. (See 1890, 380.)

SECT. 30. See St. 1891, 187; 1892, 430.

SECT. 32 repealed. St. 1890, 380 § 2.

SECTS. 36-39 repealed. Controller of county accounts established. St. 1887, 438; 1888, 275; 1890, 380; 1893, 257, 270; 1894, 183; 1895, 143, 493; 1896, 128; 1897, 129, 153. (See 1886, 169; 1890, 204; 1894, 243.) And deputies. St. 1890, 306; 1895, 175.

#### Chapter 24.—Of Registers of Deeds.

Salaries are established for registers and assistant registers. The fees are to be paid to the county. St. 1895, 493. (See 1887, 438.) Provision for assistant registers and clerical assistance. St. 1896, 172.

/ Standard record inks are required. St. 1894, 378.

SECT. 2. Copies of certain records in registry of northern district to be deposited in registry of southern district. St. 1890, 158; 1891, 174. New registry established in Bristol. St. 1891, 234.

SECT. 5. And in Worcester. St. 1884, 40.

SECT. 6. Record shall be made of oath of registers. St. 1890, 308.

SECT. 9. Women may be assistant registers. St. 1885, 7.

SECT. 12. Requirement of residence in place of registry repealed. St. 1892, 121.

SECTS. 13-26. Provision for recording office copies of instruments affecting titles to lands lying in more than one county or registry district. St. 1889, 448. And for re-recording worn or indistinct records. St. 1892, 253.

SECT. 22. Indexes, except in Suffolk, must show towns in which the lands lie. St. 1885, 29.

SECTS. 25, 26 amended. Registers substituted for commissioners. St. 1896, 443.

SECT. 29 repealed. St. 1895, 493 § 6.

SECTS. 30, 31, 33 repealed. St. 1896, 443. (See 1893, 148.)

**Chapter 25.—Of Sheriffs.**

**SECT. 16.** Sheriff may further arrest a person under arrest by a constable. St. 1896, 247.

**SECT. 18.** See St. 1893, 423 § 32.

**SECT. 20** is extended to writs and processes in favor of a sheriff. St. 1885, 75.

**SECT. 22.** Salaries fixed: Barnstable; St. 1894, 153. Berkshire; St. 1887, 58. Bristol; 1897, 454. Essex; 1894, 415. (See 1887, 164.) Hampden; 1889, 38. Hampshire; 1891, 154. Middlesex; 1888, 95. Suffolk; 1888, 228. Worcester; 1888, 244.

In Dukes and Nantucket fees are allowed. St. 1884, 209; 1886, 28.

**SECTS. 24, 25.** Sheriffs must deposit public moneys beyond what are required for immediate use. St. 1890, 215. (See St. 1893, 148, 270 § 2.)

**Chapter 26.—Of Medical Examiners.**

**SECT. 2.** New district made in Franklin county; St. 1884, 321; and in Plymouth; 1886, 74.

**SECT. 6** repealed. St. 1893, 257.

**SECT. 9 et seq.** Fees and duties of examiners regulated. St. 1885, 265 § 4, 379; 1887, 310; 1888, 306 § 2; 1890, 213; 1892, 286; 1896, 338.

When death is supposed to be due to violence, no embalming fluid shall be used without a permit signed by an examiner. St. 1892, 152.

**SECTS. 12-15.** Provision for verbatim reports of evidence at inquests in cases of death by accident on a railroad or street railway. St. 1896, 302. (See St. 1888, 365; 1889, 154; 1896, 338.)

**SECTS. 14, 25.** Fees of witnesses, etc., at inquests regulated. St. 1883, 61; 1885, 379 § 2; 1890, 440 § 9. (See 1888, 180.)

**SECTS. 20, 24.** Provision made for disposition of bodies and for account of expenses. St. 1887, 310.

**SECT. 25.** Special justices of municipal, police and district courts, with certain exceptions, are to have same fees as trial justices. St. 1885, 40. The record must state the fact which gives them jurisdiction. St. 1892, 268.

**Chapter 27.—Of Towns and Town Officers.**

Deposits of town moneys regulated. St. 1893, 266.

**SECTS. 2-6.** Provision for definition and preservation of town boundary lines. St. 1888, 336.

**SECT. 9.** Towns may lease public buildings, except school-houses, to grand army and veteran firemen's associations. St. 1885, 60; 1891, 218.

May take lands for public parks. St. 1882, 154; 1890, 240; 1893, 300. (See 1893, 75, 416; 1896, 199.) And for preservation of forest trees or preservation of water supply. St. 1882, 255; 1896, 190. And for purification and disposal of sewage. St. 1890, 124. And for public libraries. St. 1894, 145.

May provide by by-law for making all drains and sewers main drains and common sewers. St. 1895, 227. (See 1896, 251 § 2; 1897, 274.) And for regulating use of sewers. St. 1897, 116.

May lay out, alter and widen highways and county bridges. St. 1891, 170.

May adopt act providing for extermination of insect pests. St. 1893, 78.

May establish and maintain public play-grounds. St. 1893, 225. Certain towns may lease open spaces for play-grounds. St. 1893, 331. (See 1893, 300, 416.)

May regulate width of tires on vehicles owned in the town. St. 1895, 296.

May give the improvement of public grounds to corporations organized for the purpose. St. 1885, 157. (See 1893, 300 § 6, 331, 416; 1897, 254.)

May manufacture and distribute gas and electricity on certain conditions. St. 1891, 370; 1892, 259; 1893, 454; 1894, 182, 533.

SECT. 10. Towns may contract for disposal of garbage, refuse and offal. St. 1889, 377.

May contract with hospitals for temporary care of the sick. St. 1890, 119. (See 1891, 90.)

May employ counsel at hearings before legislative committees. St. 1889, 380.

May appropriate money to pay surety companies as sureties on bonds of town officials. St. 1897, 132.

May pay interest on public gifts in certain cases. St. 1895, 217.

May raise money to erect, dedicate and repair monuments to soldiers and sailors in national wars. St. 1884, 42; 1886, 76; 1896, 291. And to firemen fatally injured in performance of their duties. St. 1896, 455. And to mark spots of historic interest. St. 1896, 477.

May furnish State and military aid to soldiers and sailors. St. 1889, 279, 301. Shall support certain soldiers and sailors and their families. St. 1890, 447; 1893, 237, 279. (See 1888, 438; 1889, 298.)

SECT. 10, last clause. See St. 1888, 304; 1889, 312; 1890, 347; 1892, 255.

Provision for furnishing towns with steam rollers for construction of macadamized roads, upon certain conditions. St. 1896, 513. (See 1894, 497; 1895, 347, 486.)

Certain towns may water streets and assess cost thereof on the abutters. St. 1895, 186.

SECT. 11. Towns may appropriate money for certain anniversary celebrations. St. 1889, 21; 1892, 166. And July fourth. St. 1896, 152.

SECT. 12. May raise fifty cents per poll for planting, etc., of shade trees. St. 1885, 123 § 1. (See 1890, 196; 1891, 49; 1892, 147; 1893, 78, 403.) May appoint a forester and provide for protection of trees and woodlands. St. 1897, 254.

SECT. 15 *et seq.* Regulations for use of carriages, etc., in streets under P. S., ch. 28 § 25, shall be made by selectmen in towns and published. St. 1885, 197. (See 1894, 479; 1895, 296.) And to regulate and control itinerant musicians and coasting. St. 1892, 390.

SECT. 27. Towns having a water supply may contribute with other towns to construct a sewerage system to protect the purity of such supply. St. 1888, 160.



SECT. 34. No fee for detention and support shall be allowed unless it appears by officer's return that defendant was actually detained in the lock-up. St. 1890, 166.

SECT. 41 extended to public library buildings. St. 1894, 145.

SECTS. 44-49 are extended to all persons and corporations, and to electric light and telephone wires. St. 1883, 221; 1887, 885 § 8; 1889, 398, 434; 1895, 350. (See 1884, 302, 306; 1887, 382.)

SECTS. 48, 129. Superior court given concurrent jurisdiction. St. 1891, 293.

SECT. 52. See St. 1887, 249; 1890, 423 § 208; 1892, 351 § 2; 1893, 417 § 13.

SECTS. 52-69. The laws relating to town meetings, moderators and election of town officers are revised. St. 1893, 417 §§ 82-90, 259-294; 1894, 16, 132; 1895, 89, 285; 1897, 91. (See 1883, 229; 1884, 208 § 4, 299; 1885, 5, 261; 1886, 262, 264, 295; 1887, 249, 371; 1888, 221, 353; 1889, 191; 1890, 351, 419, 423 §§ 208-227; 1891, 10, 31, 82, 74, 155, 270, 305, 336; 1892, 51, 190, 224; 1893, 87, 177; 1896, 251 § 2.)

Voting precincts provided for. St. 1893, 417 § 101; 1894, 132; 1897, 530 § 6. (See 1886, 264; 1890, 423 § 72; 1893, 465; 1896, 498.)

SECT. 55. See St. 1888, 436 § 10; 1890, 386 § 3; 1892, 124; 1893, 417 § 260, 345.

SECTS. 64, 66-68, 70, 73, 74, 77-81, 83, 84, 86, 87, 89-91, 93, 94, 97, 98 are repealed. St. 1893, 417 § 345. (See 1894, 16, 132.)

SECTS. 71, 72, 75, 76, 82, 85, 88, 92, 95, 96, 99-128 are repealed, and laws as to powers and duties of town officers revised. St. 1893, 423. (See 1886, 295; 1888, 221; 1889, 98, 178; 1893, 60; 1897, 428.)

Women may be chosen overseers of the poor. St. 1886, 150. Or assistant town or city clerk. St. 1895, 142.

Provision for park commissioners. St. 1882, 154 § 1. For town auditors. St. 1893, 417 § 266, 423 § 20. (See 1886, 295; 1888, 221; 1889, 191; 1890, 254.) Sewer commissioners. St. 1893, 304, 417 § 266. (See 1893, 423 § 24.) Superintendents of streets. St. 1893, 423 § 25. (See 1889, 98, 178.) Highway surveyors. St. 1895, 374. (See 1893, 417 § 266, 423 § 21; 1894, 17.) Boards of health. St. 1894, 218, 473; 1895, 398, 508. (See 1885, 307; 1897, 428 § 2.) Commissioners of public burial grounds. St. 1890, 264. Assistant town clerks. St. 1893, 423 § 4. (See 1893, 60; 1895, 142.) Tree wardens. 1896, 190. (See 1897, 254, 428 § 1.)

Town officers shall demand and receive from their predecessors, under oath, their official records, papers, etc. St. 1891, 340.

SECT. 85. Police officers may be assigned to agricultural and horticultural exhibitions. St. 1892, 180. Provision for street railway police. St. 1895, 318. (See 1896, 338.)

Special officers for emergencies must be residents of the Commonwealth. St. 1892, 413.

SECT. 95 *et seq.* Town clerks shall give bonds to account for moneys received for dog licenses. St. 1888, 320. (See 1888, 308.)

Shall make returns of votes on acceptance of acts by the town. St. 1883, 100. (See 1890, 175, 423 § 155; 1893, 417 § 203; 1894, 132.)

Shall notify commissioners of prisons of appointment of certain police officers and constables. St. 1892, 290.

SECTs. 102-104. Form of oath modified. Provision to punish fraud in valuations. St. 1885, 355; 1893, 423 § 10.

SECT. 112 *et seq.* Town clerks shall return names of constables to clerks of county courts within seven days after they qualify. St. 1889, 384.

SECT. 129. Superior court given concurrent jurisdiction. St. 1891, 293.

SECT. 130 applies to St. 1893, 423 § 41.

### Chapter 28. — Of Cities.

General provision is made for the establishment of city governments. St. 1892, 377.

Words "mayor and aldermen" defined. St. 1882, 164.

Provision made for acting mayor in case of death, absence, etc., of mayor. St. 1896, 380. (See 1882, 182.)

Deposits of city moneys regulated. 1893, 266.

City officers shall demand and receive from their predecessors, under oath, their official records, papers, etc. St. 1897, 439 § 9. (See 1891, 340.)

City clerks shall notify secretary of the Commonwealth of vote on acts to take effect on acceptance. St. 1883, 100.

And of changes in wards and polling places. St. 1893, 417 § 105. (See 1884, 279 § 4; 1886, 78; 1888, 437; 1890, 423 § 71; 1896, 244.)

And send him attested copies of records of votes for State officers. St. 1893, 417 § 179. (See 1890, 175, 423 § 155.)

They must return to clerks of courts names of constables elected or appointed. St. 1889, 384.

And must notify prison commissioners of appointment of certain police officers and constables. St. 1892, 290.

Cities may lay out lands for public parks. St. 1882, 154; 1890, 240; 1893, 300. (See 1893, 75, 416; 1896, 199.) And for preservation of forests or preservation of water supply. St. 1882, 255. May designate and preserve shade trees. St. 1890, 196. May establish and maintain public play-grounds. St. 1893, 225. And lease open spaces for play-grounds. St. 1893, 331. (See 1885, 157; 1893, 300 § 6.)

May lease public buildings, except school-houses, to grand army or veteran firemen's associations. St. 1885, 60; 1891, 218.

May appropriate money for enforcement of civil service laws. St. 1887, 345. And for certain anniversary celebrations. St. 1892, 166. And for repairing or decorating graves or memorials of firemen killed in performance of duty. St. 1896, 455.

May indemnify police officers for injuries or expenses incurred while acting as such. St. 1888, 379. And persons required to assist them. St. 1893, 186.

May pay interest on public gifts in certain cases. St. 1895, 217.

May, by ordinance, require all fees, charges and commissions allowed to officials to be paid into the treasury. St. 1888, 308. Regulate sale of prepared wood, slabs and edging. St. 1891, 136. And width of tires on vehicles owned in the city. St. 1895, 296. Provide for inspection of ice

sold within the city. St. 1895, 338. For making all drains and sewers main drains and common sewers. St. 1895, 227. (See 1896, 251.) And regulating use of sewers. St. 1897, 116.

May contract for disposal of garbage, refuse, etc. St. 1889, 377.

May adopt the act requiring appropriations for exterminating insect pests. St. 1893, 78.

May furnish military or State aid to soldiers and sailors. St. 1889, 279, 301. May contract with hospitals for temporary care of the sick. St. 1890, 119. (See 1891, 90.) Shall support certain soldiers and sailors and their families. St. 1890, 447; 1893, 237, 279. (See 1888, 438; 1889, 298.) Shall provide for treatment of indigent persons suffering from contagious or infectious venereal diseases. St. 1895, 400. (See 1894, 511.)

May expend money for watering streets and assess the whole or part of the expense on abutters. St. 1897, 419. (See 1890, 365; 1891, 179.)

May take land for purification and disposal of sewage. St. 1890, 124.

May manufacture and distribute gas and electricity on certain conditions. St. 1891, 370; 1892, 259; 1893, 454; 1894, 182, 432, 448, 533.

Cities having a water supply may contribute with other cities and towns to construct a sewerage system to protect purity of supply. St. 1888, 160.

Tenure of police officers established in certain cities. St. 1890, 319.

Members of the police may be pensioned in cities containing not less than seventy-five thousand inhabitants. St. 1892, 378. (See 1892, 353; 1893, 51.)

Provision for street railway police. St. 1895, 318. And a reserve police in certain cities. St. 1896, 314.

Police matrons and houses for detention of women are required in certain cities. St. 1887, 234; 1888, 181.

Board of police for city of Boston to be appointed by the governor. St. 1885, 323; 1889, 419; 1894, 266. (See 1896, 338.)

SECT. 6. Any item in an ordinance or vote involving an appropriation of money, or raising a tax, may be separately vetoed. St. 1885, 312 § 3.

SECT. 7. Mayor may not vote in board of aldermen or joint convention. St. 1882, 180.

SECT. 11. Police officers may be assigned to agricultural or horticultural exhibitions. St. 1892, 180.

SECTS. 14-16. New division of wards in cities provided for. St. 1893, 417 § 96. (See 1884, 125, 181 § 9, 299 § 3; 1885, 156; 1886, 78, 283; 1888, 437.) Voting precincts. See St. 1893, 417 §§ 97, 98; 1896, 244.

SECT. 19. See St. 1885, 159 § 3.

SECT. 23. No member of a city council is eligible by the city council or either branch thereof to any office the salary of which is paid from the city treasury. St. 1886, 117.

SECT. 24. See St. 1892, 419 § 86; 1897, 413 § 6.

SECT. 25. Selectmen in towns may make these rules, etc. St. 1885, 197. (See 1894, 479; 1895, 296.) And to regulate and control street musicians and coasting. St. 1892, 390.

### Chapter 29.—Of Municipal Indebtedness.

"Net indebtedness" is defined. St. 1883, 127.

SECT. 4. The limit of the city debts is reduced. St. 1885, 312. (See 1885, 178; 1892, 178, 1893, 23, 225 § 3, 247.)

Exception made in certain cases. St. 1886, 178, 254, 304; 1887, 312; 1888, 73, 144, 185, 229, 392; 1889, 68, 157, 172, 176, 283 § 4; 1890, 65, 120, 121, 135, 142, 203, 258, 271, 355, 357 § 10, 424, 444; 1891, 27, 150, 212, 230, 301, 316, 323, 324; 1892, 42, 45, 150, 153, 155, 247, 367; 1893, 37, 52, 101, 110, 128, 141, 167, 233, 245, 250, 269, 341, 449, 489 § 20; 1894, 85, 89, 92, 99, 177, 201, 208, 210, 212, 234, 244, 286, 293, 310, 323, 339, 340, 344, 346, 396, 403, 405; 1895, 36, 47, 74, 85, 98, 99, 130, 150, 151 § 5, 221, 241, 274, 325, 331, 333, 346, 357, 386, 395, 417, 433, 455; 1896, 103, 134, 142, 168, 181, 197, 200, 201, 207, 227, 233, 245, 271, 325, 392, 395, 419, 478, 479; 1897, 77 § 3, 82, 87, 93, 100, 101, 102, 108, 123, 127, 142, 159, 168, 191, 194, 211, 212, 218, 255, 258, 290, 293, 341, 393, 417, 469, 484, 504.

Damages for alteration of grade crossings are excepted. St. 1892, 178.

SECT. 6. Temporary loans in anticipation of taxes are limited. St. 1885, 312 § 4; 1888, 372.

They must be payable within one year. St. 1891, 221. They shall not be considered in determining the limit of indebtedness. St. 1893, 23.

SECTS. 7, 8. Issuing bonds, notes or scrip for city or town debts is authorized. St. 1884, 129; 1892, 245 § 7; 1896, 269. (See 1889, 166; 1891, 321; 1896, 163.)

SECT. 8 amended. Word "thirty" substituted for "twenty" in fourth line. St. 1892, 245 § 6. (See 1893, 225 § 3.)

Time for payment of "other debts" extended in certain cases. St. 1889, 166; 1891, 321; 1894, 221.

SECT. 9. Fixed annual appropriations may be made as a substitute for a sinking fund. St. 1882, 133.

SECT. 11 is extended. St. 1894, 146. Provision for reissue of bonds not due held in sinking funds for payment of bonds becoming due. St. 1895, 243.

Sinking funds for sewer debts regulated. St. 1892, 245 § 9.

SECT. 15. Management of surplus accumulations of State sinking funds regulated. St. 1891, 259.

### Chapter 30.—Of Aid to Soldiers and Sailors and to their Families.

This chapter is repealed, and the law as to State and military aid revised and extended. St. 1890, 447; 1893, 237; 1894, 279, 301. (See 1884, 34; 1885, 173, 204, 214; 1886, 39, 110; 1887, 122; 1888, 438; 1889, 279, 298, 301; 1892, 291; 1897, 441. Res. 1892, 84.)

Certain exemptions from taxation are established. St. 1897, 148. (See 1894, 315; 1895, 202.)

Cities and towns must furnish relief to certain soldiers and sailors and their families. St. 1890, 447; 1893, 237. (See 1888, 438; 1889, 298.)

Provision is made for burial of deceased indigent soldiers and sailors, marines, and their wives and widows. St. 1896, 279; 1897, 164. (See 1889, 395; 1892, 184; 1894, 62.)

Grand army posts may distribute aid to soldiers. St. 1885, 189.

Settlement of pension, bounty and back pay claims provided for. St. 1888, 396; 1891, 196; 1897, 179, 399.

Appointment of State trustees for the soldiers' home provided for. St. 1889, 282. (See 1890, 373.)

SECT. 1. Salary of third commissioner fixed. St. 1894, 279 § 9. (See 1885, 214; 1889, 279 § 9; 1892, 291.)

#### **Chapter 31. — Of the Census, the Bureau of Statistics of Labor and the Board of Supervisors of Statistics.**

Decennial census provided for. St. 1894, 224; 1897, 71. (See 1884, 181.)

Special enumeration provided for in certain cases. St. 1892, 280; 1894, 334; 1896, 440.

Certain useless papers may be burned. St. 1887, 43.

SECTS. 1-12 are revised. St. 1894, 224. (See 1884, 181.)

SECTS. 13-16. Additional statistics are required. St. 1886, 174; 1894, 238 § 5, 332, 334. (See 1884, 181; 1885, 156; 1888, 437 § 6; 1892, 280; 1896, 440.)

The report of the board may be in parts. St. 1890, 97. (See 1894, 398 § 7.)

Publication of a bulletin authorized. St. 1895, 290.

A second clerk is provided for. St. 1884, 4. And special agents. St. 1897, 430.

Clerks' salaries fixed. St. 1888, 115. (See 1884, 4.)

SECT. 17 is amended. St. 1886, 101 § 4.

#### **Chapter 32. — Of the Registry and Return of Births, Marriages and Deaths.**

This chapter is revised. St. 1897, 444. (See 1883, 158; 1887, 202; 1888, 63, 306; 1889, 208, 224, 288; 1890, 402; 1892, 305, 314; 1893, 263; 1894, 206, 401, 402, 409.)

Standard record inks are required. St. 1894, 378.

SECTS. 5, 6. See St. 1897, 437.

#### **Chapter 33. — Of Workhouses and Almshouses.**

No person whose insanity has continued less than twelve months may be detained in an almshouse without remedial treatment. St. 1890, 414 § 2. (See 1886, 319 § 3.)

#### **Chapter 35. — Of Fires, Fire Departments and Fire Districts.**

Provision for allowance to families of firemen fatally injured at fires. St. 1893, 401.

Office and duties of State fire marshal established. St. 1894, 444; 1895, 452; 1896, 303. (See 1886, 354; 1887, 231; 1897, 118.)

Pensions provided for in Boston. St. 1892, 347. (See 1880, 107; 1888, 174; 1896, 256.) Persons five feet five inches in height may be appointed to Boston fire department. St. 1896, 424.

Assistance for the Massachusetts State firemen's association provided for. St. 1890, 450; 1891, 274; 1892, 177; 1894, 375. (See 1893, 401.)

SECT. 1. Forest fire-wards are provided for. St. 1886, 296 §§ 2, 3; 1897, 254.

SECTS. 10, 11 were repealed by St. 1888, 199, which was repealed by St. 1889, 451 § 8. (See 1886, 296 § 4; 1887, 214 § 16; 1891, 229.)

SECT. 28. Additional apparatus required. St. 1888, 310.

Board of fire engineers, or chief of fire department, shall investigate origin, etc., of fires. St. 1889, 451; 1891, 229.

SECT. 29. Selectmen may remove engineers after notice and hearing. St. 1886, 113.

SECT. 35. Penalties prescribed for violations of rules. St. 1888, 220.

SECT. 40. Fire districts may incur debts for temporary loans in anticipation of taxes. St. 1896, 280.

SECT. 51. Hydrant and water service added. St. 1895, 295.

#### **Chapter 36. — Of Fences and Fence Viewers, Pounds and Field Drivers.**

SECTS. 1-19. Fences and like structures over six feet in height, maliciously erected, etc., are declared nuisances. St. 1887, 348.

Barbed wire fences are restricted. St. 1884, 272.

#### **Chapter 37. — Of the Public Records.**

This chapter is revised. St. 1897, 439. (See 1885, 190; 1886, 207; 1887, 202; 1888, 307; 1890, 227, 392; 1891, 281, 340; 1894, 356, 402 § 1.)

A commissioner of public records is established, his duties prescribed and salary fixed. St. 1892, 333.

Provision for arranging and recording certain worn or indistinct records, etc. St. 1891, 225; 1892, 253.

Standard record inks are required. St. 1894, 378.

SECTS. 14, 15. In Boston, city registrar shall perform duties of city or town clerk under these sections. St. 1892, 314 § 3.

#### **Chapter 38. — Of Parishes and Religious Societies.**

Provision is made for the incorporation and government of, and conveyance of property to, churches. St. 1887, 404; 1888, 326; 1891, 265; 1895, 105. (See 1884, 78; 1894, 126.)

And for sale or transfer of church or trust property by order of supreme judicial court. St. 1897, 462.

Incorporated religious societies may make by-laws. St. 1888, 326.

SECT. 8. Term of office of committee or assessors regulated. St. 1894, 126.

SECTS. 18, 19. Religious societies shall not assess taxes except upon

their pews. St. 1887, 419. Members shall not be personally liable for parish debts. St. 1897, 241.

SECT. 21 is repealed. St. 1887, 419.

SECTS. 25, 29, 47 are amended. St. 1897, 496.

SECT. 43 is extended. St. 1886, 239.

#### **Chapter 39.—Of Donations, and Conveyances for Pious and Charitable Uses.**

SECT. 1. Churches may appoint trustees, who shall be a body corporate for the purposes of this section. St. 1884, 78. (See 1887, 404; 1891, 265.)

Real estate held by deacons may be conveyed to the church, if incorporated. St. 1887, 404 § 7.

#### **Chapter 40.—Of Library Associations.**

SECTS. 3, 13 are amended. St. 1897, 496. (See 1897, 505.)

SECT. 6. Allowance made to county law libraries. St. 1882, 246.

SECT. 9 *et seq.* The election, powers and duties of trustees of free public libraries and reading rooms are regulated. St. 1888, 304; 1889, 112.

A board of library commissioners is provided for. St. 1890, 347; 1897, 134. They are authorized to aid free libraries in certain towns. St. 1892, 255.

#### **Chapter 41.—Of the Board of Education.**

SECT. 8. Salary of the secretary of the board fixed. St. 1894, 176. (See 1885, 227.) Clerical and messenger service provided for. St. 1895, 132.

No agent of the board shall be pecuniarily interested in publication or sale of school-books or supplies. St. 1896, 429. (See Res. 1897, 69.)

SECTS. 8, 11. See St. 1893, 86 § 2.

SECT. 12. The board has the management of the State normal school boarding-houses. St. 1891, 384. (See 1894, 457; 1895, 258; 1896, 133.) And the supervision of the pupils in the Perkins institution and Massachusetts school for the blind. St. 1885, 118. It may establish an educational museum. St. 1894, 230. Shall provide for examination and certification of teachers. St. 1894, 329.

SECTS. 16, 17. The provisions for the instruction of deaf-mutes and deaf children are revised and extended. St. 1888, 239; 1889, 226. (See 1886, 241; 1887, 179.)

#### **Chapter 42.—Of Teachers' Institutes and Associations.**

SECT. 1. Twenty-five teachers in three contiguous towns may form an institute. St. 1896, 186.

#### **Chapter 43.—Of the School Funds.**

SECTS. 1, 2. Certain payments into the fund are provided for. St. 1890, 335. Res. 1894, 90.

SECT. 3 is repealed. St. 1884, 22. The distribution of the income is revised. St. 1891, 177; 1893, 272. (See 1885, 227.)

**Chapter 44. — Of the Public Schools.**

No foreign flag or emblem may be displayed on a public school-house. St. 1895, 115. (See 1895, 181.)

Provision is made for a State nautical training school. St. 1891, 402; 1893, 124. And for textile schools in certain cities. St. 1895, 475.

Free scholarships in the Massachusetts institute of technology are provided for. Res. 1887, 103; Res. 1895, 70. St. 1896, 310. And in Worcester polytechnic institute. St. 1896, 407.

School committees of cities and towns maintaining free evening schools may provide free evening lectures. St. 1893, 208.

They shall furnish public schools with a national flag. St. 1895, 181. (See 1895, 115.)

Pretending in writing to hold a degree of a college or school, granting degrees without authority, and false assertions in writing of the approval by a college or professional school of a person, process or goods, are made criminal offences. St. 1893, 355.

SECT. 1. The use of tools and cooking may be taught. St. 1894, 320. (See 1884, 69.) Physiology and hygiene must be taught. St. 1885, 332. And manual training in certain cities. St. 1894, 471. Vivisection is forbidden and dissection restricted in public schools. St. 1894, 151.

SECTs. 1, 2. Evening schools and evening high schools are required in certain places. St. 1883, 174; 1886, 236. Notice of their opening must be given. St. 1887, 433 § 4. (See 1893, 208.)

A town not required to maintain a high school shall pay for the tuition and transportation of its children attending a high school in another town or city. St. 1894, 436. (See 1891, 263; 1895, 212; 1896, 382.) And may pay for such tuition at an academy of equal grade in the same town. St. 1895, 94.

Small towns may be assisted from income of school fund to pay salaries of teachers of exceptional ability. St. 1896, 408; 1897, 498.

Schools shall be kept for at least eight months a year in towns of 4,000 or more inhabitants. St. 1894, 231.

The last session prior to Memorial day shall be devoted to exercises of a patriotic nature. St. 1890, 111.

SECT. 26. Number of committee may be changed at a special meeting in towns in which ballots for town officers are furnished by the town. St. 1896, 319.

SECT. 28. Diploma of a State normal school may be accepted in lieu of a personal examination of a teacher. St. 1891, 159.

Additional normal schools and model and practice schools in connection therewith are provided for. St. 1894, 457; 1895, 258. (See 1896, 33.) Provision for examination and certification of teachers by the board of education. St. 1894, 329.

Teachers, after a year's service, may be appointed to serve during the pleasure of the committee. St. 1886, 313.

SECTs. 35-40 are repealed. Text-books, supplies, etc., are furnished free. St. 1884, 103; 1885, 161. (See 1884, 69; 1885, 67.)



**SECTS. 41-46.** The district system is abolished. St. 1882, 219. (See 1884, 122.)

**SECTS. 44, 45.** Provision to aid small towns to unite to employ a superintendent. St. 1888, 431; 1893, 200; 1894, 58. (See 1890, 379; 1891, 272; 1892, 301, 344, 360; 1896, 408; 1897, 498.)

**SECT. 46.** Provision for school-houses in Boston. St. 1895, 408; 1897, 202, 442.

#### **Chapter 45. — Of School Districts.**

The school district system is abolished. St. 1882, 219. But the right to sue or defend for districts is reserved. St. 1884, 122.

#### **Chapter 46. — Of School Registers and Returns.**

**SECT. 3.** See St. 1888, 348 § 7.

**SECT. 5.** Item for transportation of children to be included. St. 1896, 179.

**SECT. 15.** The time for which payment is to cease is limited. St. 1891, 99.

#### **Chapter 47. — Of the Attendance of Children in Schools.**

This chapter is repealed, and the laws relating to school attendance and truancy are revised. St. 1894, 498; 1897, 236. (See 1883, 174 § 3, 245; 1885, 71, 198; 1887, 433; 1888, 348; 1889; 135, 249, 422, 464; 1890, 48, 299, 309, 384; 1891, 317, 361, 426; 1892, 62; 1893, 253; 1894, 188; 1896, 360.)

**SECT. 9.** Additional provisions to prevent introduction of contagious diseases into schools. St. 1884, 98; 1890, 102. (See 1884, 64.)

Exemption from vaccination allowed in certain cases. St. 1894, 515 § 2.

#### **Chapter 48. — Of the Employment of Children and Regulations respecting Them.**

The laws relating to the employment of children are revised. St. 1894, 508; 1896, 288. (See 1882, 750; 1883, 157, 224; 1884, 275; 1885, 222, 305; 1885, 87; 1887, 103, 121, 173, 215, 218, 280, 330, 399, 422, 433; 1888, 149, 305, 348; 1889, 135, 229, 291; 1890, 48, 90, 183, 299; 1891, 239, 317, 350; 1892, 83, 210, 296, 330, 352, 357, 410; 1894, 498; 1897, 236.)

Children under ten shall not be permitted to enter street cars to sell newspapers, etc. St. 1889, 229.

**SECTS. 8, 9** are repealed. St. 1894, 508 § 80. (See 1885, 305.)

Admission of children under thirteen to certain shows and places of amusement is restricted. St. 1887, 446.

Illegal peddling and begging by children are prohibited. St. 1887, 422. (See 1885, 305; 1892, 331.)

**SECTS. 11-21** are repealed and the truant laws revised. St. 1894, 498. (See 1890, 309; 1891, 426; 1892, 62; 1896, 360.)

**SECTS. 18-27.** Further provisions made for care, education and protection of neglected, destitute and abandoned children. St. 1882, 181, 270; 1883, 232; 1885, 176; 1886, 330; 1887, 401; 1888, 248; 1889, 230, 309;

1891, 194; 1892, 318; 1893, 197, 217, 252, 262; 1896, 288, 382. (See 1884, 210; 1886, 101; 1887, 441; 1889, 416; 1894, 508.)

SECT. 19 is amended. St. 1883, 245.

SECT. 22 *et seq.* Provisions regulating infant boarding-houses and adoptions. St. 1889, 309, 416; 1891, 194; 1892, 318. (See 1882, 270 § 3; 1889, 416.)

**Chapter 49. — Of the Laying Out and Discontinuance of Ways, and of Damages Occasioned by the Taking of Land for Public Use.**

A commission for improvement of public roads and construction of State highways is provided for. St. 1893, 476; 1894, 497; 1896, 345, 481, 541; 1897, 355. (See 1892, 388.) They may furnish steam rollers to towns for construction of roads on certain conditions. St. 1896, 513; 1897, 355 § 3. (See 1895, 347, 486; 1897, 340.)

A metropolitan park commission is established. St. 1893, 407; 1895, 450. They are authorized to lay out roadways and boulevards connected with parks. St. 1894, 288. (See 1896, 472.) And to join with a city or town to lay out, widen, etc., streets in certain cases. St. 1896, 465. (See 1894, 393, 483, 509; 1895, 272, 283; 1896, 199, 466, 550; 1897, 121.)

Park commissioners are given certain powers in regard to highways, connected with public parks. St. 1893, 300; 1896, 199, 313; 1897, 379. (See 1893, 416.)

SECTS. 1, 10, 18. Towns may alter, etc., but not discontinue, county highways or bridges within their limits. St. 1891, 170.

Land may be taken for public parks. St. 1882, 154; 1890, 240. (See 1893, 225, 300, 331; 1896, 199.)

For the cultivation or preservation of trees. St. 1882, 255. (See 1885, 123, 157; 1886, 296; 1890, 196; 1891, 49; 1892, 147; 1896, 190; 1897, 254.)

And for the purification and disposal of sewage. St. 1890, 124.

Sewer and water pipes may be laid in ways before taking possession for construction. St. 1893, 65.

Spaces may be reserved in ways for certain special uses. St. 1894, 324.

SECTS. 6, 14 *et seq.* County commissioners may lay out, etc., highways under the betterment law, where accepted. St. 1887, 124. (See 1884, 226.)

They may determine locations of public landing places. St. 1882, 109.

SECT. 18. New provision made in regard to payment of damages. St. 1883, 253.

SECTS. 33, 79, 86, 91 revised and extended. Time for application for a jury more particularly defined. St. 1892, 415.

SECT. 47. Officers' *per diem* for attendance fixed. St. 1882, 96.

SECTS. 84–86 are revised and methods of locating, laying out and constructing ways in Boston regulated. St. 1888, 397; 1891, 323; 1892, 401, 415 § 3, 418; 1895, 494; 1896, 237; 1897, 166, 167, 319, 394. (See 1893, 339, 478; 1894, 439; 1895, 334, 449 § 23; 1896, 204, 209, 492; 1897, 200 § 2, 500 § 9.)

SECT. 88. Provision for extending limit of time by agreement. St. 1893, 82.

SECT. 91. Application for jury may be brought within the time specified in section 33, notwithstanding the charter. St. 1892, 415 § 4.

SECT. 105. Petition for damages for land taken by a town in Dukes or Nantucket may be brought in Bristol county. St. 1887, 50. (See 1885, 384 § 1.)

SECT. 107. Auditors may be appointed in the discretion of the court. St. 1894, 175.

#### Chapter 50.—Of Sewers, Drains and Sidewalks.

A metropolitan system of sewerage is provided for. St. 1889, 439; 1895, 406; 1897, 80, 81, 83, 88, 502. (See 1890, 94, 270; 1891, 192; 1892, 68, 251; 1894, 307; 1895, 294.)

SECT. 1. Cities and towns may take land for the purification and disposal of sewage. St. 1890, 124. (See 1888, 160.)

SECTS. 1, 3-8. Construction of, and assessments for, sewers regulated. St. 1891, 97; 1892, 245; 1893, 65, 380; 1895, 117, 127, 227; 1896, 236, 251; 1897, 138, 151, 274. In Boston. St. 1892, 402; 1894, 227, 256; 1895, 297, 494; 1896, 237, 359; 1897, 426. (See 1886, 210; 1889, 456; 1890, 346; 1893, 304, 417 § 266; 1896, 238, 243.)

Provision made for enforcing connection with public sewers. St. 1889, 108; 1890, 132. (See 1892, 245 § 4.) And repair of private drains in streets. St. 1893, 312. Cities and towns may provide for making all drains and sewers main drains and common sewers. St. 1895, 227. And for regulating use of sewers. St. 1897, 116.

SECTS. 5, 7. Land sold may be redeemed as if sold for taxes. St. 1883, 145. The lien shall continue two years. St. 1886, 210; 1896, 236. (See 1884, 237; 1891, 97; 1892, 245 § 1.) Real estate assessed, defined. St. 1894, 528.

SECT. 20. Construction of and assessments for sidewalks in cities regulated. St. 1895, 444; 1896, 251. (See 1891, 323; 1892, 401, 418; 1893, 437; 1894, 82; 1895, 186, 297, 494; 1896, 158, 345; 1897, 419.)

SECT. 21. Barbed wire fences are restricted. St. 1884, 272.

SECT. 25. In cities which accept the act assessments may be apportioned into not more than ten annual instalments. St. 1891, 97; 1893, 380. (See 1892, 245 § 8; 1896, 158.)

#### Chapter 51.—Of Betterments and other Assessments on Account of the Cost of Public Improvements.

This chapter applies to alterations of ways at railroad crossings. St. 1884, 280. And to laying out public parks. St. 1882, 154 § 7. (See 1893, 300 § 2.)

The authorities may agree to assume betterments if land owners will release damages. St. 1884, 226.

SECTS. 1-8. Extended to ways laid out by Metropolitan Park Commission. St. 1894, 288 § 2.

SECTS. 1-9. Extended to alterations, etc., of highways by towns. St. 1891, 170 § 3.

Provision for appointment of assessments. St. 1896, 158.

Assessments bear interest after thirty days and the lien continues for one

year after determination of any suit to test their validity. St. 1884, 237. (See 1886, 210.)

SECT. 11. Notice of assessment of betterment must be given within three months to party to be charged. St. 1885, 299.

County commissioners may lay out, etc., highways under the betterment act, where accepted. St. 1887, 124. (See 1884, 226.)

#### Chapter 52. — Of the Repair of Ways and Bridges.

SECT. 1 extended. St. 1896, 345 § 2. (See 1893, 476; 1894, 497 §§ 6, 7.)

SECT. 10, as to trimming, etc., of trees, is revised. St. 1885, 123 § 2. (See 1890, 196; 1891, 49; 1892, 147; 1893, 78, 403; 1896, 190; 1897, 254, 428.)

SECTS. 17, 18. Cities and towns not liable for injuries resulting from snow or ice on a highway. St. 1896, 540. (See 1893, 476 § 13; 1894, 497 §§ 6, 7.) If injury is caused by a defect consisting in part of snow or ice, notice must be given within ten days. St. 1894, 422.

SECT. 19. Notice shall not be invalid for unintentional inaccuracy if party entitled to notice was not misled. St. 1882, 36; 1888, 114. Provision for correcting defects in notice. St. 1894, 389. (See 1894, 422.)

Words "in the superior court" stricken out. St. 1888, 114. (See 1882, 36.)

#### Chapter 53. — Of the Regulations and By-laws respecting Ways and Bridges.

The use of bicycles, etc., is regulated. St. 1894, 479.

Canals and waterways adjudged to be dangerous to public travel must be fenced. St. 1887, 393.

SECT. 1 revised. Guide posts shall be erected at forks and intersections of ways leading to other towns. St. 1887, 162.

SECTS. 11-14. The leading or driving of a bear or other dangerous wild animal upon the highway is forbidden. St. 1894, 105.

SECT. 13 *et seq.* Certain rights of way in the streets, etc., are given to the police in Boston. St. 1889, 57. (See 1893, 367 § 120.)

Cities and towns may regulate width of tires on vehicles owned therein. St. 1895, 296.

Selectmen in towns may regulate vehicles in streets. St. 1885, 197. And street musicians and coasting. St. 1892, 390. (See 1894, 479.)

SECT. 16 amended. St. 1892, 390.

SECT. 18. County commissioners may regulate the speed at which persons may ride or drive over certain bridges. St. 1888, 313. (See 1882, 108.)

SECT. 28 *et seq.* See St. 1889, 246; 1890, 118.

#### Chapter 54. — Of the Boundaries of Highways and other Public Places and Encroachments thereon.

Provision for establishment of a building line on public ways. St. 1893, 462; 1896, 313; 1897, 379.

Erection and maintenance of posts, wires and structures in highways

regulated. St. 1884, 302, 306; 1889, 398, 434. (See 1883, 221.) And advertising signs on posts in Boston. See 1895, 352.

Barbed wire fences are restricted. St. 1884, 272.

SECTS. 6-11. Further provisions for planting, cutting, trimming, and preservation of shade trees. St. 1885, 123, 157; 1890, 196; 1891, 49; 1892, 147; 1896, 190; 1897, 254, 428. (See Res. 1886, 32. St. 1886, 296; 1893, 78, 403; 1897, 143.)

SECTS. 9 and 12 are repealed. St. 1885, 123 § 3.

SECT. 16. Certain exceptions made. St. 1889, 129; 1893, 75.

#### **Chapter 56.—Of the Inspection and Sale of Butter, Cheese, Lard, Fish, Hops, Leather, and Pot and Pearl Ashes.**

A uniform standard is established for certain weights and measures. St. 1894, 198.

Provision made for a State dairy bureau and protection of dairy products. St. 1891, 412; 1892, 139. (See 1894, 280; 1895, 214.)

SECTS. 3-21. Sale of imitations of butter regulated. St. 1886, 317; 1891, 58, 412; 1894, 280; 1896, 377. (See 1882, 263; 1884, 310; 1885, 352.)

Sale of adulterated lard regulated. St. 1887, 449.

SECT. 20. Powers and duties of inspectors increased. St. 1884, 310 § 2; 1885, 352 § 5; 1891, 58 § 2. (See 1882, 263.)

SECT. 22 *et seq.* Public weighers of salt-water fish provided for. St. 1888, 163.

#### **Chapter 57.—Of the Inspection and Sale of Milk.**

Municipal, district and police courts and trial justices are given jurisdiction under this chapter. St. 1885, 149; 1897, 349. (See 1893, 396 § 40.)

Provision is made for a State dairy bureau and protection of dairy products. St. 1891, 412; 1892, 139.

This chapter is not repealed or amended by St. 1882, 263. St. 1884, 289 § 4.

SECT. 2 is revised and powers and duties of inspectors modified. St. 1884, 289, 310 §§ 3, 4; 1885, 352 §§ 4, 5; 1886, 318; 1891, 58 § 3. 412 § 10. (See 1895, 449 § 19; 1896, 250.)

SECTS. 5, 7, 9 are revised. Additional provisions against adulteration of milk. St. 1884, 289, 310; 1885, 352; 1886, 318; 1891, 412; 1896, 398. (See 1882, 263; 1889, 326.) The sale of condensed milk is regulated. St. 1896, 264.

An act to protect owners of cans used in sale of milk, cream, etc. St. 1893, 440.

SECT. 8. It is made an offence to obstruct an inspector. St. 1884, 310 § 5. And to counterfeit his seal or tamper with samples. St. 1886, 318 § 4; 1896, 398 § 3. And to wilfully deface and misuse milk cans. St. 1885, 133.

SECT. 12 is repealed. St. 1885, 145.

**Chapter 58.—Of the Inspection and Sale of Provisions and Animals intended for Slaughter.**

This chapter is repealed and the laws relating to contagious diseases among domestic animals are revised and codified. St. 1894, 491; 1895, 476, 496; 1896, 276; 1897, 165, 178, 499. (See 1884, 232; 1885, 148, 378; 1887, 250, 252; 1892, 195, 432; 1893, 306; 1895, 449 § 19; 1896, 250.)

Further provisions to prevent adulteration of food and drugs. St. 1882, 263; 1884, 289; 1886, 171; 1897, 344. (See 1883, 263; 1896, 397.)

The sale of dressed poultry is regulated. St. 1887, 94. (See 1883, 230.)

**Chapter 59.—Of the Inspection and Sale of Certain Oils.**

SECTS. 6, 7. Provision is made to regulate preparation, storage, inspection and sale of certain unsafe oils, and kerosene and petroleum products, and the erection of buildings therefor. St. 1885, 98, 122; 1894, 399. (See 1882, 250; 1892, 419 § 111; 1896, 520.)

**Chapter 60.—Of the Inspection and Sale of Various Articles.**

A uniform standard is established for certain weights and measures. St. 1894, 198; 1895, 28. (See 1897, 443, 517.)

An act to regulate bakeries. St. 1896, 418.

Provision for inspection of ice sold in cities. St. 1895, 338. And of concentrated commercial feed stuffs. St. 1897, 117.

Dealers in ice must provide each wagon with scales and weigh ice when requested. St. 1890, 276.

SECTS. 11-16 are repealed and new provisions made. St. 1896, 297. (See 1888, 296.)

SECT. 17 is repealed. St. 1883, 29.

SECT. 20. A standard measure for cranberries is established. St. 1884, 161. (See 1883, 225; 1890, 426.)

SECTS. 21, 22 are revised and other articles added. St. 1888, 414; 1894, 198 § 6. (See 1890, 465.)

SECTS. 54, 55 are repealed. St. 1894, 111.

SECTS. 56, 57 are revised and sections 58-60 repealed. Wire nails are included. Penalties and forfeitures regulated. St. 1892, 63.

SECTS. 61, 67. See St. 1894, 198.

SECTS. 69-71. Provisions against adulteration of vinegar and for compensation of inspectors. St. 1883, 257; 1884, 163, 307; 1885, 150.

SECTS. 72-78. Cities may regulate sale by the load of prepared wood, slabs and edgings. St. 1891, 186. Measures may be licensed by an adjoining town. St. 1894, 83 § 2.

SECTS. 79-82. Sale of coal by measure regulated, and standard ton established. St. 1894, 429. (See 1883, 218, 225; 1884, 70.)

**Chapter 61. — Of the Inspection of Gas and Gas Meters.**

A board of gas and electric light commissioners is established and their powers and duties prescribed. St. 1885, 314; 1886, 346; 1887, 382, 385; 1888, 350; 1889, 373; 1891, 370; 1892, 259, 263; 1894, 327, 503; 1895, 463; 1896, 356, 426, 473. (See 1888, 428; 1891, 351.)

Clerk's salary fixed. St. 1891, 351; 1894, 503.

The manufacture, sale and inspection of gas and electric light regulated. St. 1885, 240, 314; 1886, 346; 1887, 382, 385; 1888, 350, 428; 1889, 169; 1890, 252; 1891, 370; 1892, 67, 259, 263, 274; 1893, 454; 1894, 299, 316, 327; 1895, 228, 330, 350, 420; 1896, 366, 480. (See 1886, 250; 1887, 391 § 2; 1890, 404; 1896, 426; 1897, 416.)

Report of accidents required. St. 1896, 338.

SECT. 1 amended. Tenure of office regulated. St. 1889, 169.

SECTS. 13, 14 do not apply to gas for heating, cooking, chemical and mechanical purposes. St. 1885, 240.

SECT. 14 amended. St. 1892, 67. (See 1886, 250; 1890, 252.)

SECT. 16. Refusal to furnish gas to occupant of a building, because of non-payment of gas-bill by a previous occupant, is unlawful. St. 1894, 299.

SECTS. 16-18 extended to electric lighting. St. 1894, 316; 1895, 330.

**Chapter 63. — Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.**

SECTS. 1-5, 16, 19 are revised. St. 1890, 159.

SECTS. 6, 7. Surveyors may be licensed to survey lumber in an adjoining town. St. 1894, 83.

**Chapter 65. — Of Weights and Measures.**

A uniform standard of certain weights and measures is established. St. 1894, 198; 1895, 28; 1897, 443, 517.

The weights, measures and balances to be kept by counties, cities and towns are defined and inspection provided for. St. 1890, 426.

The sale of coal by measure regulated and standard ton fixed. St. 1894, 429. (See 1888, 218; 1884, 70.)

SECTS. 3-7. Additional provisions. St. 1897, 443, 517.

SECT. 8. Sealers are to be appointed in cities by mayor and aldermen. St. 1882, 42.

SECTS. 18-21, 25. See 1897, 443 § 8.

SECT. 21. Unlawful measures may be seized. Their possession implies unlawful intent. St. 1883, 225.

SECTS. 27, 29. See St. 1894, 198; 1895, 28.

**Chapter 67. — Of Auctioneers.**

SECTS. 1, 5 are revised. St. 1886, 289.

Certain veteran soldiers and sailors are exempted from payment of license fee. St. 1895, 456.

SECT. 6 amended and auction sales further regulated. St. 1890, 449; 1891, 144. (See 1886, 289.)

**Chapter 68.—Of Hawkers and Peddlers.**

**SECT. 1.** Itinerant vendors must be licensed. Sales by them regulated. St. 1890, 448; 1894, 525. (See 1883, 168; 1885, 309; 1887, 422, 445; 1890, 449; 1891, 144.)

Provision to prevent illegal peddling by minors. St. 1887, 422; 1892, 331. (See 1885, 305.) And peddling near licensed picnic groves. St. 1887, 445. (See 1885, 309.)

**SECTS. 1, 2.** Cities may regulate sale by hawkers and peddlers of any articles mentioned in section one. St. 1883, 168.

**SECT. 2.** New provisions made for licensing minors and regulating sales by them. St. 1892, 331. (See 1887, 422.)

**SECTS. 4, 9.** Licenses may be granted to persons over seventy years of age. St. 1883, 118. And to certain honorably discharged soldiers and sailors. St. 1889, 457.

**SECT. 17.** See St. 1890, 449 § 2.

**Chapter 69.—Of Shipping and Seamen, Harbors and Harbor Masters.**

Copy of registers of foreign vessels must be filed with commissioner of corporations and the commissioner appointed agent to receive service of legal process. St. 1889, 393. (See 1884, 330.)

**SECTS. 1-9.** Provision made for transportation of shipwrecked seamen. St. 1886, 179.

**SECT. 5.** Extended to Gloucester harbor. St. 1895, 106 § 1.

**SECT. 8.** Clause as to advance wages stricken out. St. 1889, 284.

**SECT. 11.** Harbor lines established: Boston; St. 1882, 48; 1891, 309; 1892, 358 § 2. Chelsea; 1887, 344. Gloucester; 1882, 103; 1883, 109; 1895, 106 § 2. (See 1885, 315.) Haverhill; 1883, 104.

**SECT. 14.** Additional provisions made. St. 1897, 273.

**SECT. 23.** Further provisions for protection of harbors, beaches and shores. St. 1884, 269; 1892, 206. Boston; 1892, 358. Marblehead; St. 1892, 214.

**SECT. 25.** Provision for assistant harbor masters. St. 1882, 216. (See 1884, 173.)

Appointment of harbor masters in Boston regulated. St. 1889, 147.

**SECTS. 26, 29, 33.** Powers of harbor masters extended. St. 1884, 173. Regulations made for Gloucester harbor. 1885, 315.

**SECT. 33** extended to sections 23-32. St. 1884, 173.

**Chapter 70.—Of Pilots and Pilotage.**

Additional pilots provided for. St. 1882, 174; 1887, 298.

Pilotage fees established: Cohasset; St. 1887, 298. Salem and Beverly; 1887, 204. Winthrop; 1892, 114. Wood's Holl; 1889, 275. (See 1888, 288.)

**SECT. 7.** Boston harbor limits regulated. St. 1892, 358 § 2. (See 1882, 48; 1891, 309; 1897, 486.)

**SECT. 12.** The pilots shall be "for any or all of said ports." St. 1890, 300.



SECTS. 26-32. Certain exemptions from fees are made. St. 1884, 213, 252.

SECT. 30. Limit extended. St. 1884, 252 §§ 2, 3.

SECT. 39. It is forbidden to assume or continue to act, without authority, as a pilot. St. 1884, 252 § 6.

#### Chapter 72.—Of Public Warehouses.

SECT. 2. Bond and sureties are to be approved by the governor. St. 1885, 167.

SECT. 5. Provision for non-negotiable receipts assignable only on the books of the warehouseman. St. 1886, 258.

SECTS. 8, 10 amended. St. 1895, 348.

SECT. 10. Goods may be sold to pay charges a year overdue. St. 1887, 277; 1895, 348 § 6. Sale of perishable and dangerous goods provided for. St. 1895, 348.

#### Chapter 73.—Of Common Carriers and Express Companies.

An act to protect the business of licensed carriers of goods for hire. St. 1895, 481.

Transportation and delivery of intoxicating liquors in no-license towns regulated. St. 1897, 271. And transportation of human bodies. St. 1897, 437 § 6.

#### Chapter 74.—Of the Employment of Labor.

A State board of arbitration and conciliation is established. St. 1886, 263; 1887, 269. Clerk provided for. St. 1888, 261. And expert assistants. St. 1890, 385; 1882, 382.

A board is established to consider the subject of the unemployed. St. 1894, 238.

Employment in the civil service is regulated. St. 1884, 320; 1887, 364; 1888, 41, 253, 334; 1889, 177, 183, 351, 352; 1891, 140; 1893, 95, 253; 1894, 267; 1895, 376, 501; 1896, 449, 494, 502, 517; 1897, 328. (See 1894, 519; 1895, 376.)

Preference is to be given to veteran soldiers and sailors in certain cases. St. 1896, 517. (See 1884, 320 § 14; 1887, 437; 1889, 473; 1894, 519; 1895, 501.)

And to citizens of the United States in employment of mechanics and laborers on public works. St. 1896, 494.

Provision for appointment of a registrar of labor. St. 1895, 376.

It is made an offence to compel any person, as a condition of employment, to agree not to join a labor organization. St. 1894, 508 § 3. (See 1892, 330; 1894, 437.)

Workmen employed by a contractor on public work for a city or town may sue the city or town for their wages, on certain conditions. St. 1892, 270. (See 1894, 444.)

Provision to prevent persons not residents of the Commonwealth acting as officers to protect property of employers of labor. St. 1892, 413.

Provision for authorizing bells, gongs and whistles for factories, etc. St. 1883, 84.

Leave of absence to vote provided for. St. 1893, 417 § 7. (See 1887, 272; 1890, 423 §§ 143, 144.) Influencing or punishing vote of employees is forbidden. St. 1893, 417 § 337; 1894, 209.

SECTs. 1, 2, 3 are repealed and the laws relating to employment of labor are revised and consolidated. St. 1894, 508, 534; 1895, 129, 144, 438; 1896, 241, 334, 449, 494. (See 1882, 150; 1884, 275; 1886, 87; 1887, 103, 121, 173, 215, 218, 269, 280, 330, 363, 399, 433; 1888, 149, 305, 348, 426 § 1; 1889, 135, 291; 1890, 48, 90, 183, 299, 375; 1891, 125, 239, 317, 350, 357; 1892, 83, 210, 296, 330, 852, 357, 410; 1893, 246, 386, 406; 1894, 209, 437; 1895, 471; 1896, 343, 444, 481, 502, 517; 1897, 328.)

Specification of work is required in textile factories. St. 1894, 534; 1895, 144. (See 1887, 361; 1891, 125; 1892, 410.) Use of traversing machinery in cotton factories restricted. St. 1896, 343.

SECT. 3. Liability of employers for injuries to employees extended and regulated. St. 1886, 260; 1887, 270; 1888, 155; 1890, 83; 1892, 260; 1893, 111, 359; 1894, 499; 1895, 362 § 7. (See 1883, 243; 1886, 140, 173; 1890, 179; 1896, 343.)

SECT. 4. Hours of labor regulated in certain cases. St. 1894, 508 §§ 7-14. (See 1883, 157; 1884, 275; 1886, 90; 1887, 215, 280, 330; 1888, 348 §§ 1, 2; 1890, 183, 375; 1891, 350; 1892, 83, 352, 357; 1893, 386, 406.)

SECTs. 4, 5. Form of complaint prescribed. St. 1894, 508 § 56. (See 1892, 210.)

#### **Chapter 75. — Of Limited Partnerships.**

SECT. 3. Name of a former firm may be used with consent of its members. St. 1887, 248 § 1.

SECT. 5. Fee for filing fixed at one dollar. St. 1896, 523.

SECTs. 7, 8, 12 amended. Interest and liability of special partners regulated. St. 1887, 248.

#### **Chapter 76. — Of the Use of Trade-marks and Names.**

An act to protect owners of cans, bottles, etc., used in sale of milk, cream, soda water and other beverages. St. 1893, 440. And to protect use of labels, trade-marks and forms of advertising. St. 1895, 462. (See 1890, 104; 1893, 443; 1894, 285.)

Sale of goods marked sterling, or coin silver, regulated. St. 1894, 292.

#### **Chapter 77. — Of Money, Bills of Exchange, Promissory Notes and Checks.**

SECT. 1. The par of exchange established by United States Rev. Sta. § 3565 is adopted. St. 1882, 110.

SECT. 3 is not repealed by St. 1888, 388.

Interest on and discharge of small loans regulated. St. 1888, 388; 1892, 428. (See 1890, 416.)

No written promise to pay money shall be held not to be a promissory note or not negotiable because time of payment is uncertain, if it is payable in any event. St. 1888, 329.

SECT. 8 *et seq.* When Christmas falls on a Sunday the next day is a holiday. St. 1882, 49. Fast day abolished and April 19th made a holiday. St. 1894, 130; 1896, 162.

The first Monday of September is "labor's holiday." St. 1887, 263.

An act to abolish days of grace on commercial paper, except sight drafts. St. 1896, 496. (See 1896, 228.)

Presentment of bills and notes on holidays regulated. St. 1894, 333. (See 1894, 427; 1895, 415.)

Provision made for payment of checks, drafts, etc., presented after death of drawer. St. 1885, 210.

SECT. 17 amended. Banking hours on Saturday regulated. St. 1895, 415.

#### Chapter 78. — Of the Prevention of Frauds and Perjuries.

No agreement to make a will, devise or legacy is binding unless in writing. St. 1888, 372.

#### Chapter 79. — Of the State Board of Health, Lunacy and Charity.

The board is divided into a board of health, and a board of lunacy and charity. St. 1886, 101.

Salary of secretary fixed. St. 1889, 370.

The board of health is given general supervision of inland waters and sources of water supply. St. 1888, 375; 1890, 441 § 1. (See 1884, 154; 1886, 274; 1889, 439.) And the vaccine institutions. St. 1894, 355.

It may forbid sale of impure ice. St. 1886, 287. (See 1895, 338.)

Appropriation for enforcing laws against adulterations increased. St. 1891, 319. (See 1882, 263 § 5; 1883, 263; 1884, 289 § 1.)

False representations to officers of the board, etc., made punishable. St. 1891, 343.

It must report prosecutions and expenditures. St. 1884, 289 § 2.

The governor may appoint a special officer to assist in cases of deserted and unprotected children. St. 1895, 310. (See 1885, 158.)

SECT. 9. Classes of inmates who may be removed specified. St. 1887, 367. (See 1886, 219, 319; 1887, 346.)

SECT. 13 amended. St. 1894, 196.

#### Chapter 80. — Of the Preservation of the Public Health.

A metropolitan system of sewerage is provided for. St. 1889, 439; 1895, 406; 1897, 80, 81, 83, 88. (See 1891, 192; 1894, 307; 1895, 294.) And water supply. St. 1895, 488; 1896, 436; 1897, 327, 336, 339. And parks. St. 1893, 407; 1894, 288, 483, 509; 1895, 305, 450; 1896, 465, 550; 1897, 121, 311. (See 1893, 475; 1894, 393; 1895, 272, 283; 1896, 199, 466.) And improvement of Charles river. St. 1893, 475.

Provision made to prevent adulteration of food and drugs. St. 1882, 263; 1884, 289; 1886, 171, 287; 1891, 319; 1897, 344. (See 1883, 263;

1891, 58, 374, 412; 1894, 280; 1896, 264, 377, 397.) And of spirituous liquors. St. 1896, 272.

To regulate bakeries. St. 1896, 418.

To prevent sale of toys or confectionery containing arsenic. St. 1891, 374.

To prevent sale of impure ice. St. 1886, 287. (See 1895, 338.)

To prevent manufacture of clothing in unhealthy places. St. 1894, 506 §§ 44-48. (See 1891, 357; 1892, 296; 1893, 246.)

To prevent feeding of garbage, refuse or offal to milch cows. St. 1889, 326. Or to food animals. St. 1895, 385. Provision for inspection of concentrated commercial feed stuffs. St. 1897, 117.

To authorize and regulate crematories. St. 1885, 265.

To abate nuisances by smoke in Boston. St. 1895, 389. (See 1893, 353.) And nuisances on unoccupied land and private passageways. St. 1893, 342; 1897, 185. Other special provisions for Boston. St. 1897, 219, 221.

Provision for street watering. St. 1895, 186; 1897, 419.

For suppression of contagious diseases among cattle. St. 1884, 232; 1887, 250, 252; 1894, 491; 1895, 476, 496; 1896, 276; 1897, 165, 178, 499. (See 1885, 148, 378; 1892, 195, 432; 1893, 306.)

For registration and regulation of pharmacists. St. 1896, 397. (See 1885, 313; 1887, 267; 1893, 227, 472; 1894, 435.) And of dentists. St. 1887, 137; 1897, 187. And plumbers. St. 1888, 105; 1893, 477; 1894, 455; 1895, 453. (See 1882, 252 § 2; 1892, 419 §§ 120, 134.) And gas-fitters in Boston. St. 1897, 265. And of physicians and surgeons. St. 1894, 458; 1895, 412; 1896, 230; 1897, 196. And for licensing and regulating stables in cities. St. 1891, 220; 1895, 213; 1896, 332; 1897, 300.

Supreme judicial court in equity may enforce provisions of this chapter and acts in addition thereto. St. 1893, 460.

SECTS. 1, 53, 93 amended. St. 1886, 101 § 4.

SECTS. 2, 21, 28-35 amended; section 3 repealed, and provision made for election of boards of health in towns. St. 1894, 218, 473; 1895, 398, 506. (See 1835, 307; 1897, 428 § 2.)

SECT. 8 is revised. St. 1895, 332. (See 1894, 174.)

SECT. 10. Local boards may close places of burial. St. 1885, 278 § 1.

Transportation and burial of human bodies regulated. St. 1897, 437.

SECT. 12. Provisions for regulation of house drainage and connection with public sewers. St. 1889, 108; 1890, 74, 132.

SECTS. 21-23. Privy vaults are restricted in cities. St. 1890, 74.

SECT. 28. Expenditure under this section, without a previous appropriation, is limited. St. 1887, 338 § 1.

SECTS. 30-32. Right given of appeal and trial by jury, as in case of land taken for highways. St. 1887, 338 §§ 2, 3.

SECTS. 51-55 repealed. New provisions made in regard to vaccination. St. 1894, 515.

SECT. 60. Further provisions regulating infant boarding houses and adoptions. St. 1889, 309; 1891, 194; 1892, 318. (See 1882, 270; 1885, 176; 1889, 416; 1893, 262.)

SECT. 69 amended. St. 1893, 79.

SECT. 70. Massachusetts homœopathic hospital aided, and appointment of trustees provided for. St. 1890, 358.

SECTS. 78, 79 are repealed and new provisions made as to notices and reports of contagious diseases. St. 1883, 138; 1884, 98; 1890, 102; 1891, 188; 1893, 302. Provision for hospital accommodations in cities. St. 1894, 511. And for treatment of indigent persons suffering from contagious or infectious venereal diseases. St. 1895, 400. (See 1895, 483, 503.)

SECT. 83 amended. St. 1886, 101 § 4. (See 1883, 138; 1893, 302.)

SECTS. 88-91 amended. Appeals and proceedings regulated. St. 1889, 193. (See 1883, 133.)

SECT. 92. Consent of common council required in cities. St. 1893, 106.

SECT. 96 amended. St. 1856, 252.

SECT. 96 *et seq.* Further provision made to protect the purity of inland waters and sources of water supply. St. 1884, 154, 172; 1888, 160, 375; 1897, 510. (See 1886, 274; 1890, 441; 1893, 407; 1896, 252; 1897, 327.)

A metropolitan sewerage system is established. St. 1889, 439.

SECTS. 98-100 are repealed. St. 1884, 154.

SECTS. 103-105 are repealed. St. 1891, 120.

#### Chapter 81.—Of the Promotion of Anatomical Science.

SECT. 1. Change made in persons by whom permits may be given. St. 1891, 185, 406.

SECT. 3 repealed. St. 1891, 185.

SECT. 4. Friends have three days to ask for burial. St. 1891, 185 § 2.

#### Chapter 82.—Of Cemeteries and Burials.

Provision made for commissioners of burial grounds in towns. St. 1890, 264. Sale of property by order of supreme judicial court. St. 1897, 462.

Cremation of the dead authorized and regulated. St. 1885, 265. (See 1897, 437.)

Change of corporate name provided for. St. 1891, 360; 1892, 198, 201.

SECT. 3 is repealed and new provisions made defining rights of widows and children in burial lots and tombs. St. 1885, 302; 1892, 165. (See 1883, 262.)

SECT. 6. Conveyances need be recorded only in the records of the corporation. St. 1883, 142; 1889, 299.

Records must be kept of all conveyances and contracts in relation to lots. St. 1889, 299. (See 1883, 142; 1890, 264 § 3.)

SECT. 17. Towns and cities may receive funds for care, improvement and maintenance of burial places and lots. St. 1884, 186; 1890, 264 § 4.

SECT. 19. Boards of health may close any place of burial. St. 1885, 278 § 1. Transportation and burial of human bodies regulated. St. 1897, 437.

SECT. 24. To sustain an appeal the jury must find that the closing was not necessary for the protection of the public health. St. 1885, 278 § 2.

SECTS. 25-28 are repealed. St. 1885, 278 § 3.

**Chapter 84. — Of the Support of Paupers by Cities and Towns.**

Provision is made for remedial treatment of recently insane paupers. St. 1890, 414. (See 1886, 319 § 3.)

False representations for the purpose of causing any person to be supported as a pauper are made an offence. St. 1891, 343.

Provision made for custody and care of pauper children. St. 1882, 181; 1883, 232, 245; 1886, 330; 1887, 401; 1888, 248; 1889, 230; 1893, 197, 217, 252; 1896, 288, 382.

An act relative to the support of the poor in towns. St. 1897, 374.

SECT. 2. See St. 1890, 414; 1893, 423 § 12.

SECT. 3 is extended to towns. St. 1893, 197. The state board of lunacy and charity may act in certain cases. St. 1887, 401; 1893, 197 § 2; 1897, 374 § 2. (See 1889, 230 § 2.)

SECT. 6. The pauper and his estate are made liable for expenses incurred for him. St. 1882, 113.

SECTS. 14-18. Transportation of destitute shipwrecked seamen provided for. St. 1886, 179.

SECT. 17. Overseers shall bury unclaimed or unidentified bodies upon which inquests have been held. St. 1887, 310 § 3.

Burial of deceased indigent soldiers, sailors and marines provided for. St. 1889, 395; 1892, 184.

The sums which may be paid for burial of paupers are increased. St. 1890, 71.

SECT. 18. Period for which aid may be furnished increased. St. 1891, 90 § 1.

SECTS. 18, 21, 35 amended. St. 1886, 101 § 4.

SECT. 19 is revised. St. 1895, 445.

SECT. 20. Towns and cities may contract with hospitals for temporary care of the unfortunate and sick. St. 1890, 119.

SECT. 21 amended. St. 1883, 232 § 1. (See 1882, 181, 270; 1883, 245; 1885, 176; 1886, 330; 1887, 401; 1888, 248; 1893, 217.)

SECT. 29. Removal by overseers to be made within one month after notice. St. 1891, 90 § 2.

**Chapter 85. — Of the Maintenance of Bastard Children.**

SECT. 1. Clerk of court may receive complaint and issue warrant. St. 1885, 289. Fee for complaint and warrant abolished. St. 1897, 237.

SECT. 2 amended. St. 1886, 101 § 4.

SECT. 6. Accused may be committed until bond be given. Provision for approval of bond. St. 1891, 367.

**Chapter 86. — Of Alien Passengers and State Paupers.**

SECT. 1 amended. St. 1886, 101 § 4.

SECT. 13. A new board for both almshouse and workhouse is established and regulated. St. 1884, 297; 1891, 299.

SECTS. 16, 19. The same person may be superintendent and resident physician. St. 1883, 278.

SECT. 21. Change made in persons who may give certificates. St. 1891, 84.

SECT. 22 *et seq.* The removal of sick paupers is further regulated. St. 1885, 211; 1887, 440.

SECTS. 25, 26, 31 amended. St. 1885, 211; 1891, 153. (See 1887, 440.)

SECT. 28 was repealed by St. 1883, 239, which was again repealed and new provisions made by St. 1886, 298. (See 1884, 88; 1887, 123 § 2.)

SECT. 37 is extended to persons not being sentenced inmates. Complaints regulated. St. 1884, 258. (See 1886, 101 § 4.)

SECT. 39. Board of lunacy and charity may transfer pauper lunatics to asylum at State almshouse. St. 1888, 69.

SECT. 44 *et seq.* New provisions made as to care of children. St. 1882, 181; 1883, 232; 1886, 330; 1888, 248; 1893, 217, 252; 1896, 288, 382.

A limited number of children afflicted with epilepsy or chronic disease may be placed in hospital cottages at Baldwinville, which are aided, and State trustees are provided for. St. 1887, 441; 1889, 230; 1890, 354; 1892, 407. (See Res. 1888, 91.) Hospital established for epileptics. St. 1895, 483. And for consumptives. St. 1895, 503. (See 1895, 400.)

SECT. 46 amended. St. 1882, 181 § 1.

#### Chapter 87. — Of Lunacy and Institutions for Lunatics.

SECTS. 1, 29 amended. St. 1886, 101 § 4.

SECT. 2 *et seq.* Additional hospital accommodations provided for at Westborough; St. 1884, 322. In eastern Massachusetts; St. 1890, 445. At Medfield and Dover; St. 1892, 425. (See 1892, 425; 1893, 395; 1894, 391, 465, 526; 1895, 399. Res. 1896, 41.) A hospital for male dipsomaniacs and inebriates; St. 1889, 414; 1890, 251; 1891, 158. (See 1885, 339; 1891, 307; 1892, 53; 1893, 223, 256, 395; 1897, 474. Res. 1892, 33, 50, 55.) For insane criminals; St. 1886, 219; 1895, 390. And for epileptics; St. 1895, 483.

SECT. 4. Number of trustees increased. St. 1884, 149.

SECTS. 6, 7, 9. Extended to hospital for epileptics. St. 1895, 483 § 6.

SECT. 6 *et seq.* At all State institutions for the insane, provision shall be made for fire escapes and apparatus. St. 1890, 378.

SECT. 7. Female assistant physicians provided for. St. 1884, 116.

SECT. 9. Time of meeting and of report changed. St. 1887, 170.

SECT. 11 *et seq.* Further provisions as to commitment and custody of insane. St. 1884, 234, 322 §§ 7, 9; 1885, 339, 385; 1886, 219, 319; 1887, 346; 1889, 90, 414; 1890, 414; 1891, 158; 1892, 53; 1894, 195; 1895, 286, 390, 429; 1897, 418. (See 1883, 148; 1892, 229.)

SECTS. 11, 37, 46. Cities of over fifty thousand inhabitants may establish asylums for chronic insane. St. 1884, 234.

Chronic and quiet insane may be cared for in private families. St. 1885, 385. (See 1887, 347 § 2, 367; 1890, 414; 1894, 195; 1896, 482.)

SECT. 12 amended. St. 1894, 195.

SECT. 13 is revised. St. 1895, 286, 429. (See 1892, 229.) Fee for commitment established. St. 1894, 493.

SECT. 14 repealed. St. 1892, 53 § 2.

- SECT. 15. See St. 1884, 322 § 7.
- SECT. 21. Fees as witnesses of salaried officers regulated. St. 1890, 440.
- SECT. 23. Fee for physician's certificate changed. St. 1894, 493 § 2.
- SECT. 25. Application shall be made in case of any insane person deprived of proper treatment. St. 1890, 414 § 1.
- SECT. 26. See St. 1884, 234.
- SECTS. 32-34. Commonwealth shall pay for support of certain criminals committed to insane hospitals. St. 1883, 148; 1889, 90. (See 1894, 214 § 3.)
- Provision to reimburse towns in certain cases. St. 1892, 243; 1895, 375.
- SECT. 37. Name of temporary asylum changed. St. 1887, 239.
- SECT. 38 *et seq.* The transfer of the insane regulated. St. 1884, 234 § 3, 322 §§ 7, 9; 1885, 339 §§ 2, 3, 385; 1886, 219, 319; 1887, 346 § 2, 367; 1889, 90, 414 § 16; 1890, 414; 1891, 158; 1894, 251; 1895, 390; 1896, 482; 1897, 418.
- SECT. 40. Superintendents may be authorized to discharge patients and may allow temporary absences. St. 1883, 78. (See 1885, 339 § 3; 1886, 319.)
- SECT. 46 *et seq.* Overseers of the poor shall not commit or detain recently insane persons in an almshouse without remedial treatment. They must give notice to the State board of the admission and discharge of the insane. St. 1890, 414. (See 1886, 319 § 3.)
- SECTS. 47-49 are repealed. The asylum at Ipswich is discontinued. St. 1887, 207. (See 1890, 445.)
- SECT. 50. See St. 1887, 367.
- SECT. 55 *et seq.* Name changed to "school for the feeble-minded." Regulations revised. St. 1883, 239; 1886, 298. The allowance is increased. St. 1887, 123. (See 1884, 88; 1886, 298 § 4.)

#### Chapter 88. — Of the State Workhouse.

- Name changed to "State farm." St. 1887, 264.
- A new board is established. St. 1884, 297; 1891, 299. (See 1883, 279; 1887, 264.)
- Provision for an asylum for insane criminals. St. 1886, 219; 1895, 390.
- SECT. 4 amended. St. 1886, 101 § 4.
- SECTS. 5-8. Persons not being sentenced inmates, who escape and within one year are found begging, may be punished. St. 1884, 258. (See 1889, 245.)
- Provision made for transfer of prisoners to and from the State farm. St. 1884, 297; 1887, 292; 1890, 180, 278; 1894, 214.

#### Chapter 89. — Of the State Primary and Reform Schools and the Visitation and Reformation of Juvenile Offenders.

- SECTS. 1, 8. Primary and reform schools changed to Lyman school; and authority of trustees extended and commitments regulated. St. 1884, 323; 1885, 36, 151; 1895, 428. (See 1884, 255 § 11; 1896, 288.)



SECTS. 4, 5. Provision made for care and maintenance of pauper children between the ages of three and sixteen having no settlement. St. 1882, 181; 1883, 232 § 3; 1886, 330. (See 1888, 248; 1896, 288.)

SECTS. 5, 7 amended. St. 1886, 101 § 4.

SECT. 15 *et seq.* Girls committed by United States courts are to be sent to the State industrial school for girls. St. 1887, 426 § 2.

Arrests and commitments of children regulated. St. 1882, 127, 181 § 3; 1883, 110; 1884, 255 § 11, 323 § 3; 1888, 248. (See 1887, 266; 1889, 469; 1896, 288, 382.)

No boy over fifteen shall be committed to the Lyman school. St. 1884, 255 § 11, 323 § 3.

SECT. 18. Summons to be issued to children under twelve. St. 1882, 127 § 3.

SECT. 20. New provision made as to notice of complaint. St. 1883, 110.

SECT. 33. Fees and charges of salaried officers regulated. St. 1889, 469; 1890, 440; 1891, 325.

SECT. 34 *et seq.* See 1896, 288.

SECT. 45. Trustees may discharge boys for mental incapacity or bodily infirmity. St. 1889, 123.

SECTS. 49, 51 repealed. St. 1888, 248 § 2. (See 1882, 181 § 3; 1887, 266.)

#### Chapter 90. — Of Contagious Diseases among Cattle, Horses and Other Domestic Animals.

This chapter is repealed and revised. St. 1894, 491; 1895, 476, 496; 1896, 276; 1897, 165, 178, 499. (See 1884, 232; 1885, 148, 378; 1887, 250, 252; 1893, 306.)

#### Chapter 91. — Of Inland Fisheries and Kelp.

The commissioners shall be game commissioners also. St. 1886, 276 § 7; 1895, 56.

The district police may enforce fish and game laws. St. 1897, 288.

Fishing is regulated in various places: Barnstable county; St. 1884, 264; 1887, 120. (See 1885, 193; 1886, 202; 1887, 120.) Bass river; 1894, 134. Berkshire; 1888, 276; 1890, 193; 1895, 199. Bourne; 1891, 164. (See 1889, 202.) Brimfield; 1895, 411. Bristol; 1882, 189. Buzzard's bay; 1884, 214 § 2; 1886, 192; 1891, 327; 1893, 205, 255. (See 1887, 197; 1890, 229.) Dennis; 1895, 203. Dukes; 1884, 245; 1886, 234. (See 1882, 102; 1895, 180.) Eastham; 1893, 77. Edgartown; 1886, 234; 1891, 52; 1897, 181. (See 1882, 65; 1885, 247.) Essex; 1888, 126; 1893, 36; 1897, 289. Franklin, Hampden and Hampshire; 1890, 193. Crystal lake, Haverhill; 1894, 296; Ipswich; 1897, 289. Marion; 1892, 188; 1893, 255. Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196. Mattapoisett; 1884, 214; 1890, 229; 1892, 186. (See 1887, 197.) Merrimack river; 1882, 166; 1883, 31, 121; 1884, 317; 1893, 201; 1895, 88; 1897, 110. (See 1894, 113.) Nantucket; 1891, 128. (See 1887, 96; 1888, 238.) Norwell and Pembroke; 1889, 292; 1890, 336. Plum Island bay (tributaries);

1887, 105; 1890, 30. Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336. (See 1883, 76.) Quinsigamond lake; 1896, 259. Randolph; 1889, 78. Rowley; 1897, 289. Scituate; 1889, 292; 1890, 336. Wellfleet bay; 1891, 135. (See 1889, 179.) Lake Chaubunagungamaug, Webster; 1896, 110. Westport; 1887, 193; 1891, 137.

Persons violating the fish laws may be arrested without a warrant in certain cases. St. 1893, 105.

Commissioners may forbid discharge of sawdust from a mill into a brook. St. 1890, 129.

The catching of pickerel is restricted. St. 1888, 331. (See 1895, 199.) Squam pond, Gloucester, granted to the United States fish commission for ten years. St. 1892, 43.

Provision made for protection of traps, trawls and seines. St. 1892, 53.

A bounty provided for destruction of seals. St. 1888, 287; 1892, 234.

SECT. 3. See St. 1893, 105.

SECTS. 10-24. Use of nets in ponds restricted. St. 1884, 318.

An act for the protection of great ponds. St. 1888, 318.

SECT. 12. The provisions for leasing great ponds are repealed. St. 1885, 109. (See 1889, 354; 1895, 180.)

Provision made for stocking great ponds. St. 1897, 208.

SECT. 16. Proceedings against defaulting lessees regulated. St. 1886, 248.

SECT. 17. See St. 1886, 248 § 2.

SECT. 25. Provision for flowing lands in Barnstable for fish culture. St. 1889, 383.

SECT. 26 not repealed by St. 1892, 252.

SECT. 31. Rights of riparian proprietors extended. St. 1890, 231.

SECTS. 36, 39. Use of nets and seines in Merrimack river regulated. St. 1882, 166; 1883, 31, 121; 1884, 317. (See 1882, 53.)

SECT. 41. Certain fisheries exempted. St. 1884, 199.

SECTS. 45, 46. See St. 1894, 113.

SECTS. 51-53. Regulations for trout, land-locked salmon and lake trout fishing. St. 1884, 171; 1888, 276; 1890, 193; 1891, 138; 1892, 252; 1895, 277. (See 1893, 105.)

Furnishing trout and trout spawn by the Commonwealth regulated. St. 1893, 59.

SECT. 55. See St. 1888, 126.

SECT. 56. Black bass fishing regulated. St. 1893, 80; 1896, 229.

SECTS. 57, 59. Smelt fishery regulated in certain waters. St. 1887, 105; 1890, 30; 1891, 128; 1894, 189.

SECTS. 68, 69. Cities and towns may regulate or prohibit taking of eels and shell-fish. St. 1889, 391. (See 1889, 64; 1892, 186, 188; 1893, 55, 255.)

SECT. 70. Rights acquired under this section not affected by St. 1886, 192; 1887, 197; 1890, 229; 1891, 327; 1893, 205.

SECTS. 73, 74, 75 apply to owners of traps or contrivances for catching lobsters. St. 1889, 109.

SECT. 76. See St. 1882, 102; 1884, 245, 264; 1887, 120.

SECT. 81 *et seq.* Provisions for protection of lobsters. St. 1882, 98; 1884, 212; 1885, 256; 1887, 314; 1889, 109; 1890, 293; 1891, 122; 1893, 183. (See 1892, 403; 1893, 105.)

SECT. 84. See St. 1884, 212; 1887, 314.

SECT. 85. See St. 1887, 314 § 2.

SECTS. 93-95. Provisions for planting, taking and protection of shell-fish. St. 1884, 284; 1885, 220; 1886, 299; 1887, 119; 1888, 198, 202; 1889, 64; 1892, 74; 1895, 282; 1896, 268; 1897, 289. (See 1885, 220 §§ 3, 4; 1887, 96; 1888, 223, 238; 1889, 391; 1892, 188; 1893, 53, 172; 1897, 288.)

SECTS. 97-101 extended to waters where there are no natural oyster beds. St. 1884, 284. And to oyster shells planted to catch seed. St. 1895, 282.

Use of dredge, tongs, etc., on private oyster beds forbidden without consent of owners. St. 1885, 220 § 5. (See 1893, 105.)

The granting of oyster licenses regulated. St. 1885, 220; 1886, 299. (See 1884, 284.)

SECT. 104. Payment of fines and forfeitures regulated. St. 1890, 390 § 3. (See 1887, 314 § 2.)

## Chapter 92. — Of the Preservation of Certain Birds and other Animals.

This chapter is repealed and revised. St. 1886, 276; 1887, 300; 1888, 292; 1891, 142, 254; 1892, 102; 1893, 49, 105, 189, 398; 1894, 97, 102, 205; 1895, 55; 1897, 140, 184, 524. (See 1882, 199; 1883, 36, 169; 1884, 282, 308; 1886, 246; 1887, 211; 1888, 269; 1890, 237, 249.)

An act for the protection of small game on Cape Ann. St. 1897, 140.

The fish commissioners are made game commissioners also. St. 1886, 276 § 7. (See 1895, 56.) The district police may enforce fish and game laws. St. 1897, 288.

Persons found violating the game laws may be arrested without a warrant in certain cases. St. 1893, 105.

Provision made for protection of game and prevention of trespass on private land. St. 1884, 308; 1890, 403, 410. (See 1886, 276 § 4.)

Liberating a fox or raccoon in Dukes county is prohibited. Provision for a reward for their destruction. St. 1890, 237.

SECTS. 1, 2. The close time for grouse, woodcock, quail and ducks is regulated. Killing pinnated grouse at any time forbidden. St. 1894, 205. (See 1886, 276 § 1; 1888, 292; 1890, 249; 1891, 142; 1893, 189, 398.) Quail are protected in Nantucket. St. 1893, 49. (See 1894, 102.)

Mongolian, English and golden pheasants are protected. St. 1895, 55. (See Res. 1894, 79.)

SECT. 3. Pursuit of wild fowl with a boat propelled by any other means than sails, oars or paddles is prohibited. St. 1892, 102; 1897, 184. (See 1886, 246, 276; 1888, 269; 1897, 111.)

SECT. 6. Provision made for extermination of the English sparrow. St. 1890, 443. (See 1883, 36; 1886, 276 § 4.)

SECT. 7. Trapping or snaring of certain game and use of ferrets are made offences. St. 1886, 276 § 6; 1887, 300; 1891, 254. (See 1884, 308; 1893, 105.)

SECTS. 8-10. Further provision for protection of deer. St. 1882, 199; 1883, 169. (See 1893, 105.)

SECT. 9. Close season extended. St. 1894, 97.

#### Chapter 93.—Of the Law of the Road.

See St. 1889, 57; 1893, 367 § 120.

#### Chapter 94.—Of Timber afloat or cast on Shore.

Floating of timber in Connecticut river regulated. St. 1882, 274; 1883, 188.

#### Chapter 97.—Of Wrecks and Shipwrecked Goods.

This chapter is revised. St. 1887, 98. (See 1883, 260; 1885, 341.)

Provision made for removal of wrecks and obstructions in tide-waters. St. 1883, 260.

#### Chapter 98.—Of the Observance of the Lord's Day.

SECTS. 1, 2, 3 are repealed and the observance of the Lord's day regulated. St. 1895, 434. (See 1886, 82; 1887, 391; 1893, 41.)

The provisions of this chapter are not a defence to actions for injuries to a traveller on the Lord's day. St. 1884, 37.

SECTS. 13, 15 amended. St. 1887, 391 § 3; 1897, 389.

#### Chapter 99.—Of Gaming.

Provision made for recovery of payments, etc., made on wagering contracts in securities and commodities. St. 1890, 437. (See 1892, 138.)

Provisions against gaming houses and resorts. St. 1885, 342; 1887, 448; 1892, 388; 1894, 410; 1895, 419. (See 1883, 120; 1885, 66; 1887, 380; 1890, 439 § 2; 1893, 226.) And against lotteries, policy lotteries and pool selling. St. 1892, 409; 1895, 419.

SECTS. 1, 2 amended. St. 1895, 419 §§ 11, 12.

SECT. 8 amended. St. 1885, 342; 1895, 419 § 13. (See 1894, 410.)

SECT. 10 repealed. St. 1895, 419 § 14.

#### Chapter 100.—Of Intoxicating Liquors.

Provision made for license boards in certain cities. St. 1894, 428, 1895, 379; 1896, 396.

The disposal or placing on file of liquor cases is restricted. St. 1885, 359.

A penalty is provided for employing a person under eighteen to serve liquor. St. 1890, 446.

Provision is made to prevent illegal sale of liquor in clubs. St. 1887, 206; 1890, 439; 1893, 226; 1894, 542.

No licenses shall be granted for sales in public parks, pleasure grounds, or reservations. St. 1897, 207.

SECT. 1. Sweet cider and light wines exempted in certain cases. St. 1894, 489.

SECTS. 2, 3, 5, 8, 10. Licenses to and sales by druggists and apothecaries regulated. St. 1896, 397. (See 1885, 313; 1887, 267, 431; 1889, 270; 1893, 472 § 4; 1894, 435; 1897, 271 § 2.)

SECT. 5 *et seq.* The granting of licenses is further limited and regulated. St. 1882, 220, 222, 242, 259; 1883, 93; 1884, 158; 1885, 83, 90, 216, 323 § 2; 1887, 323, 392; 1888, 139, 254, 262, 340, 341; 1889, 270, 344, 347, 361; 1890, 446; 1891, 369; 1892, 280; 1896, 397 § 7. (See 1886, 323 § 2; 1887, 431; 1893, 148; 1894, 428, 435.)

Dealers in paints and chemicals may be licensed to sell pure alcohol for certain trade purposes. St. 1897, 398.

Number of places to be licensed limited. St. 1888, 340.

Transfer of locality of licenses provided for. St. 1889, 344.

Licenses in summer resorts provided for. St. 1888, 340; 1892, 280; 1896, 440.

Provision for repayment of part of license fee when licensee dies before expiration of license. St. 1897, 227.

SECT. 7. Objection may be made by owner of real estate within twenty-five feet of premises. St. 1887, 323.

SECT. 9. Sales at night regulated. St. 1882, 242; 1885, 90.

Cl. 3 is revised. St. 1896, 272.

Cl. 4 extended to persons supported by public charity. St. 1884, 158.

Cl. 5 revised. Selling liquor at a table in a bar-room prohibited. St. 1891, 369.

SECT. 10, cls. 1-5. Sale, gift or delivery is forbidden on election days and certain holidays. St. 1885, 216; 1888, 254, 262; 1889, 347, 361; 1894, 130; 1895, 337; 1896, 162 § 2, 308; 1897, 160. (See 1885, 90; 1889, 186.)

And may be forbidden in cases of riot or great public excitement. St. 1887, 365.

Cls. 1-3. No license of these classes shall be for a building within four hundred feet of a public school. St. 1882, 220. (See 1894, 129.)

Cl. 1-5. No license of the first five classes shall be granted to be exercised in a dwelling-house or a store having interior connection with a dwelling. St. 1888, 139.

Licenses of the sixth class limited and regulated. St. 1896, 397. (See 1885, 313; 1887, 267, 431; 1889, 270; 1893, 227, 472; 1894, 435.)

SECT. 11. The minimum fees are increased. St. 1888, 341.

SECT. 12. View of interior of the premises must not be obstructed. St. 1882, 259 § 1.

SECT. 13. Further requirements of sureties provided for. St. 1882, 259 § 2. Number of bonds on which one may be surety limited. St. 1894, 388; 1896, 169. The form of bond is changed. St. 1888, 283.

SECT. 14 is revised. St. 1897, 233.

SECT. 16. License shall be void on conviction of violation of any provision of the liquor laws. St. 1887, 392.

SECT. 17. Transportation and delivery of intoxicating liquors in no-license towns is further regulated. St. 1897, 271, 487.

SECT. 18 is extended. St. 1882, 242; 1897, 271, 487. The penalties are modified. St. 1889, 114, 268. (See 1896, 308.)

SECT. 24. Sales to a minor for his own or any other person's use are forbidden. St. 1889, 390.

Sale to children under sixteen of candy, or other article, enclosing a liquid containing more than one per cent. of alcohol is forbidden. St. 1891, 333.

SECT. 25 is extended to sales by druggists except on physicians' prescriptions. The mayor or selectmen may give the notice and sue for benefit of husband, wife, child, parent or guardian. St. 1885, 282. (See 1896, 397.)

SECT. 26. Additional facts made *prima facie* evidence. St. 1887, 414.

SECT. 27 is revised and new definition made. St. 1888, 219.

SECT. 29. The inspection and analysis of liquors regulated. St. 1882, 221.

Salary of inspector and assayer fixed. St. 1887, 232. (See 1885, 224; 1886, 175.)

SECT. 30. A search warrant may be issued by a justice authorized to issue warrants in criminal cases. St. 1884, 191. (See 1884, 286.)

SECTS. 30, 33. Implements of sale and furniture used or kept to be used for illegal keeping or sale of liquor may be seized, and may be destroyed or sold as court may order. St. 1887, 406; 1888, 297. (See 1897, 271, 487.)

SECT. 38. Provision made for disposition of forfeited liquors. St. 1887, 53; 1888, 297. (See 1887, 406.)

SECT. 40. Costs increased in certain cases. St. 1888, 277.

SECT. 45. Clubs may be licensed. St. 1887, 206. (See 1890, 439; 1893, 226; 1894, 542.)

#### Chapter 101. — Of the Suppression of Common Nuisances.

SECT. 6. Provision for suppression of nuisances under this section. St. 1887, 380. (See 1887, 206.)

St. 1887, 414, applies to cases under this chapter. St. 1887, 414 § 3. Additional costs allowed in certain cases. St. 1888, 277.

#### Chapter 102. — Of Licenses and Municipal Regulations of Police.

Provision made for registration of pharmacists. St. 1896, 397. (See 1885, 313; 1887, 267; 1893, 227, 472; 1894, 435; 1897, 271. Of dentists. St. 1887, 137; 1897, 187. Of plumbers, and inspection of their work and materials. St. 1888, 105; 1893, 477; 1894, 455; 1895, 453. (See 1882, 252 § 2; 1892, 419 §§ 120, 138.) And gas-fitters in Boston. St. 1897, 265. Of physicians and surgeons. St. 1894, 458; 1895, 412; 1897, 196. Of horses used for breeding purposes. St. 1890, 334.

And for licenses for infant boarding-houses. St. 1892, 318. (See 1882, 270 § 3; 1889, 309, 416; 1891, 194; 1895, 310 § 2. And for license to make, alter or repair clothing for sale in a private house. St. 1893, 246. (See 1891, 357; 1892, 296.) And for itinerant vendors of merchandise. St. 1890, 448; 1894, 525. And for dealers in paints and chemicals for sale of pure alcohol for certain purposes. St. 1897, 398.

Licenses are required for engineers and firemen of certain steam boilers. St. 1895, 471 ; 1896, 546. (See 1893, 387 ; 1894, 481 § 2 ; 1895, 418.)

SECT. 2 amended. Provision made for license commissioners in certain cities. St. 1894, 235, 428. .

SECT. 4. Time of grant and expiration of licenses changed. St. 1890, 73.

SECT. 5. See St. 1885, 316 ; 1893, 436.

SECT. 12, 15. Liability of innholders further limited. St. 1885, 358 ; 1897, 305.

SECT. 13 extended to boarding-houses. St. 1883, 187. Maximum fine decreased. St. 1884, 169. Disposition of unclaimed or retained baggage, etc., regulated. St. 1893, 419 ; 1894, 181.

Public lodging-houses in Boston must be licensed. St. 1894, 414.

SECT. 21. Words "who is a minor" added after "student." St. 1893, 292 § 1.

SECT. 23 is repealed. St. 1893, 292 § 2.

SECT. 26. Intelligence offices are regulated. St. 1894, 180.

SECT. 33. Articles of personal apparel are not to be deemed perishable within the meaning of this section. St. 1884, 324.

SECTS. 33-37. The business of making loans on deposits or pledges of personal property is regulated. St. 1890, 416 ; 1895, 497. (See 1885, 252 ; 1888, 388 ; 1892, 428 ; 1896, 183.)

SECT. 34. St. 1888, 388, does not apply to licensed pawnbrokers and does not affect this section. St. 1890, 416 § 6 ; 1892, 428 § 6.

SECT. 35. Any district police officer may enter and examine pawnshops. St. 1888, 243.

SECT. 39. Provision for licenses for stables. St. 1890, 230, 395 ; 1891, 220 ; 1895, 213 ; 1896, 332 ; 1897, 428. (See 1889, 89 ; 1897, 300.)

No livery stable shall be within two hundred feet of a church, etc., without consent of the society worshipping therein. St. 1891, 220 § 2.

SECTS. 40-53 repealed so far as they relate to the city of Boston and other provisions made. St. 1892, 419. (See 1895, 471 ; 1896, 546.)

SECT. 49. See St. 1893, 387.

SECT. 54. Cities and towns may regulate sale or use of toy pistols, toy cannon and articles in which explosives are used. St. 1882, 272.

Fire-arms or dangerous weapons may not be sold or furnished to persons under fifteen. St. 1884, 76.

SECT. 56. Provision made for notice to chief engineer, etc., of place of storage of gunpowder and explosive compounds. St. 1882, 269.

SECTS. 69-75. Regulations for preparation, storage, inspection and sale of kerosene and petroleum products and erection of buildings therefor. St. 1885, 98, 122 ; 1894, 399. (See 1882, 250.)

SECTS. 80-84. The licensing of dogs is further regulated. St. 1885, 292 ; 1886, 259 § 2 ; 1887, 135, 307 ; 1890, 72 ; 1892, 50.

The keeping of blood-hounds and other like dogs is restricted. St. 1886, 340 ; 1892, 50.

Special licenses may be granted for breeding purposes. St. 1887, 307.

Bond required to account for receipts from dog licenses. St. 1888, 320.

Time for payment of such receipts changed. St. 1886, 259.

SECT. 83 amended. St. 1886, 101 § 4.

SECT. 86. Provision for recording licenses in cases of transfer. St. 1884, 185.

SECT. 92. Slaughtering animals in certain towns regulated. St. 1897, 428 § 2.

SECT. 98 *et seq.* The law as to damages to domestic animals, etc., by dogs is revised. St. 1889, 454; 1894, 309. (See 1886, 259 § 1.)

Provision for appropriations from dog tax for maintenance of free public libraries in towns. St. 1890, 347 § 5.

SECT. 115 amended. No license shall be granted for Sunday exhibitions. St. 1895, 434 § 3. (See 1894, 353.)

An act to prevent immoral shows and entertainments. St. 1896, 339.

SECTS. 115-127. Provision for licensing skating rinks. St. 1885, 196. And picnic groves. St. 1885, 309. (See 1887, 445.)

Admission of children to places of amusement regulated. St. 1883, 446.

SECTS. 116-119. Municipal, district and police courts have jurisdiction under these sections. St. 1887, 293.

SECT. 124. Rate and manner of payment for these licenses changed. St. 1882, 258. (See 1894, 180.)

Fee for pawnbrokers' license established in certain cases. St. 1893, 497 § 2.

Hawking and peddling restricted, and gaming, horse-racing and shows forbidden within one-half mile of licensed groves for picnics, etc. St. 1887, 445. (See 1885, 309.)

### Chapter 103.—Of the District and Other Police.

The laws relating to the inspection department of the district police are revised. St. 1894, 481. (See 1888, 113, 389, 399, 426; 1891, 302, 357 § 6; 1893, 111, 199, 387; 1894, 337, 341.)

Provision for a reserve police force in certain cities. St. 1896, 314.

Special officers appointed in an emergency must be residents of the State. St. 1892, 413.

Tenure of police officers regulated in certain cities. St. 1890, 319.

Police matrons required in certain cities. St. 1887, 234; 1888, 181.

Pensions are provided for in certain cities. St. 1887, 178; 1892, 353, 378.

The district police may enforce fish and game laws. St. 1897, 288.

SECT. 1. Number of district police increased. St. 1885, 131; 1887, 256; 1888, 389, 426 § 13; 1891, 302, 357 § 6; 1893, 387; 1894, 281; 1895, 310, 396, 418 § 8. (See 1885, 158.)

The requirement of an examination by a justice is repealed. St. 1885, 186. (See 1884, 190.)

SECT. 3. Clerks provided in chief's office and their salaries fixed. St. 1890, 137; 1892, 249. Boston. St. 1897, 320.

SECT. 5. Salaries fixed. St. 1887, 127; 1892, 128.

SECT. 10. Duties of inspectors extended. St. 1887, 218; 1888, 149 § 3, 316, 399, 426; 1891, 357; 1895, 136 § 3, 144 § 3; 1897, 288. (See 1882, 266 § 6; 1885, 326; 1887, 219, 226; 1888, 207, 389; 1890, 438; 1891, 261; 1893, 387.)



An appeal is given from certain orders of inspectors. St. 1890, 438; 1891, 261.

SECT. 11 is repealed. St. 1894, 481. (See 1886, 260 § 3; 1890, 83; 1893, 111.)

SECT. 13. Street railway police provided for. St. 1895, 318.

SECTS. 14, 16. An act relative to evidence of appointment of railroad and steamboat police. St. 1896, 225.

SECT. 15. Railroad police shall be sworn. Tenure of office regulated. St. 1883, 65. They are to be paid no witness fees in certain cases. St. 1890, 440 § 9.

#### Chapter 104. — Of the Inspection of Buildings.

An act to authorize the establishment of a building line on public ways. St. 1893, 462; 1896, 313; 1897, 379.

The height of buildings in cities is restricted. St. 1891, 355. And on parkways and boulevards. St. 1896, 313; 1897, 379.

SECTS. 1-14, 21, 22 and 24 are repealed and the erection and construction of buildings to be used for certain public purposes are regulated. St. 1894, 382, 481, 508. (See 1882, 208, 266; 1883, 173, 251; 1884, 52, 223; 1885, 326; 1886, 173; 1887, 103 § 3, 173, 218; 1888, 113, 207, 305, 316; 1890, 83, 179, 307, 438; 1892, 419; 1893, 111, 199, 387; 1894, 337, 341.)

Building law for Boston. St. 1892, 419; 1893, 170, 293, 297, 464; 1894, 257, 443; 1895, 97, 239, 280, 314; 1896, 416, 520; 1897, 175, 265, 300, 310, 413. (See 1888, 316; 1893, 199.) Public lodging-houses in Boston regulated. St. 1894, 414. (See 1883, 251 § 2; 1888, 426; 1892, 410.)

SECTS. 4-12. Provision made for inspection and proceedings under these sections. St. 1888, 149, 316, 399, 426; 1890, 438; 1891, 261. (See 1892, 419.) And for inspection of certain steam boilers. St. 1895, 418. (See 1895, 471.) Of plumbing. St. 1888, 105; 1893, 477; 1894, 455; 1895, 453. And gas-fitting in Boston. St. 1897, 265.

SECT. 6. Provision for appointment of officers where there is no engineer. St. 1888, 399 § 4.

SECT. 8. Appeal given from orders of district police inspectors. St. 1890, 438; 1891, 261.

SECT. 12. Superior court given concurrent jurisdiction. St. 1891, 293.

SECTS. 13-24. In manufacturing establishments run by steam the engineer's room must, if required by inspector, have means to communicate with machinery rooms, and to control the power. St. 1886, 173; 1890, 179.

The placing of traversing machinery in cotton factories is regulated. St. 1896, 343.

SECT. 14. Extended to mercantile and public buildings. St. 1882, 208.

The use of elevators is further regulated. St. 1882, 208; 1883, 173; 1890, 90.

SECTS. 15-20 are repealed and the provisions for precautions against fire are revised and extended. St. 1882, 251; 1884, 223; 1888, 86, 426; 1894, 382. (See 1882, 266; 1884, 52; 1888, 207, 316, 399, 426; 1890, 307; 1892, 419; 1893, 199; 1894, 341; 1895, 418.)

SECT. 19. No inside or outside door of factory, etc., shall be fastened during working hours. St. 1884, 52.

SECT. 20. Theatres must have approved fire-resisting curtains. St. 1888, 426 § 1. (See 1888, 207.) Audience hall shall not be above second floor. St. 1894, 382.

Provision for securing proper sanitary precautions in school-houses, factories and workshops. St. 1894, 508. (See 1887, 103 § 3, 173, 218; 1888, 149, 305; 1891, 261.)

SECT. 23 is revised. St. 1887, 276. (See 1882, 266 § 4; 1887, 219; 1888, 426.)

SECT. 24 is made to apply to sections 16 to 21. St. 1882, 266 § 5.

#### Chapter 105.—Of Certain Powers, Duties and Liabilities of Corporations.

Change of name of corporations subject to provisions of chapters 106-119 provided for. St. 1891, 360; 1892, 198, 201. (See 1891, 257; 1895, 104; 1896, 523.)

Assuming name of another corporation, or a similar name, is restricted. St. 1891, 257. (See 1888, 413 § 27, 429 § 2.)

Conditions prescribed for foreign corporations doing business here. St. 1882, 106; 1883, 74; 1884, 330; 1886, 230; 1889, 393; 1890, 329; 1891, 341; 1894, 381, 476, 541; 1895, 157, 311; 1896, 391; 1897, 423. (See 1887, 214 §§ 77-88, 91, 92; 1888, 321, 429 § 13; 1889, 356, 427, 452; 1890, 197, 199, 304, 310, 321; 1891, 275, 368, 403; 1892, 129; 1893, 303; 1894, 522 §§ 77-91; 1896, 286.)

Penalties for fraud of officers and stockholders extended to foreign corporations doing business here. St. 1895, 157. And liability for debts and contracts. St. 1896, 391.

Issuing obligations to be redeemed in numerical or arbitrary order of precedence, is prohibited. St. 1891, 382.

Provision for insolvency proceedings by or against certain foreign corporations. St. 1890, 321.

Laws relative to composition in insolvency apply to Massachusetts stock corporations. St. 1897, 247.

Safe deposit, loan and trust companies are subject to the duties, restrictions and liabilities set forth in this chapter. St. 1888, 413. (See 1887, 89, 225; 1889, 342, 452; 1890, 315; 1892, 327; 1893, 114; 1894, 274; 1896, 423.)

SECTS. 14, 15 are repealed, but officers may be removed for previous violations of section 14. St. 1889, 222.

SECTS. 18, 19 are repealed, and the issue of stock or scrip dividends by certain corporations is prohibited. St. 1894, 350.

SECT. 20. Issue of new stock and bonds by certain quasi-public corporations regulated. St. 1887, 366; 1894, 450, 452, 462, 472, 476, 501, 502; 1896, 409.

SECT. 21. Stockholder may require list of stockholders filed in office of secretary of the Commonwealth. St. 1889, 222 § 3.

SECT. 24. No record is necessary for the transfer of stock. St. 1884, 229.

SECT. 28. See St. 1884, 268, 330; 1888, 321; 1889, 393; 1890, 321; 1894, 384.

SECT. 42. The time limit is stricken out. St. 1884, 203.

Certain claims shall be preferred in settlements by receivers. St. 1897, 400.

### Chapter 106.—Of Manufacturing and Other Corporations.

Corporations created under this chapter may issue special stock, to be held by their employees only. St. 1886, 209.

Manufacturing corporations may support free beds in hospitals for use of their employees. St. 1889, 258.

SECTS. 3, 4, 51. Corporations governed by these sections may change their business under section 51. St. 1885, 310.

SECT. 6 *et seq.* Corporations to examine and guarantee titles of real estate are authorized and regulated. St. 1884, 180; 1887, 214 §§ 62, 63. And for the cremation of the dead. St. 1885, 265. (See 1886, 101 § 4; 1888, 306 § 2.)

SECTS. 7, 8, 13, 14. Par value of shares regulated. St. 1894, 500.

SECT. 11 extended to hydrostatic and pneumatic pressure for mechanical power. St. 1891, 189; 1893, 397.

SECTS. 11, 52, 75 extended to gas for heating, cooking, chemical and mechanical purposes. St. 1885, 240.

SECT. 13 extended to include buildings for manufacturing and mechanical purposes. St. 1888, 116.

SECT. 17. Method established for change of name of corporations subject to provisions of chapters 82, 106–119, and acts amendatory thereof. St. 1891, 360; 1892, 193, 201.

SECT. 26. Provisions as to treasurers' bonds. St. 1896, 346.

SECT. 27. Clause as to proxy or attorney casting more than fifty votes is repealed. St. 1888, 188. (See 1889, 222.)

SECT. 34 *et seq.* Increase of stock of certain quasi-public corporations regulated. St. 1894, 450, 452, 462, 472, 476, 501, 502. (See 1890, 371.)

SECTS. 39–41 are repealed. St. 1894, 472.

SECT. 50. Certain foreign corporations may hold real estate here. St. 1888, 321; 1895, 387. (See 1884, 330.)

SECTS. 51, 52. Gas companies may be authorized to furnish electric light and power. St. 1887, 385. (See 1885, 240.) Fee for filing certificate fixed. St. 1895, 169.

SECT. 54 extended to foreign corporations having usual places of business in this Commonwealth. St. 1891, 341; 1894, 541; 1895, 311.

SECTS. 54, 55, 59, 81, 82, 84. All corporations, with certain exceptions, are subject to these sections and must make the certificates and return therein required. St. 1887, 225; 1890, 199; 1891, 341; 1894, 541; 1895, 311; 1896, 369; 1897, 492.

Any stockholder may require a list of stockholders to be filed. St. 1889, 222 § 3.

The certificates are deemed to be recorded by the act of filing. They are to be preserved in book form. St. 1890, 199.

SECTS. 60-71 apply to foreign corporations. St. 1896, 391; 1897, 423. (See 1897, 247.)

SECTS. 62-71 apply to mortgage loan and investment, and safe deposit, loan and trust companies. St. 1888, 387 § 11, 413 § 14.

SECTS. 75, 76 amended. St. 1896, 544.

SECT. 75 *et seq.* A board of gas and electric light commissioners is established, and the business of the companies is regulated. St. 1885, 240, 314; 1886, 250, 346; 1887, 382, 385; 1888, 350, 428; 1889, 169, 373; 1890, 252; 1891, 370; 1892, 67, 259, 263, 274; 1893, 454; 1894, 182, 299, 316, 327, 432, 448, 450; 1895, 350, 420; 1896, 356, 473, 480. (See 1896, 426.) Actions of tort authorized against gas and electric light companies for loss of life by negligence. St. 1897, 416.

Pneumatic pressure is included. St. 1896, 544.

SECT. 84. Fee for filing and recording certificates changed. St. 1895, 169; 1896, 523.

#### Chapter 107.—Of Swine Slaughtering Associations.

SECT. 2 is amended. St. 1886, 101 § 4.

#### Chapter 109.—Of Companies for the Transmission of Intelligence by Electricity.

This chapter, except sections 16 and 18, applies to lines for electric light. St. 1883, 221.

The erection and use of wires for telegraph, telephone and electric lighting are regulated. St. 1883, 221; 1884, 302, 306; 1885, 267, 380; 1887, 382, 385; 1889, 398, 434; 1890, 404; 1891, 370; 1892, 274; 1893, 274, 454; 1894, 182, 432; 1895, 228, 330, 350, 420; 1896, 356, 426, 473, 480. As to Boston, see 1894, 454; 1895, 228 § 2.

Action of tort authorized against electric light company for loss of life by negligence. St. 1897, 416.

SECT. 4 amended. Abutters may have damages for erection or alteration of telegraph, telephone and electric light and power lines along highways. St. 1884, 306. (See 1884, 302.)

SECT. 7. At least half must be paid in in cash. St. 1893, 274.

New issue of stock and bonds regulated. St. 1890, 371; 1894, 450, 452, 472, 476; 1896, 473. (See 1894, 501.)

SECT. 10. Telephone companies must furnish service without discrimination. St. 1885, 267.

Telegraph companies are made liable to amount of \$100 for damages caused by negligence in transmitting messages. St. 1885, 380.

SECTS. 12, 15. Wires may not be put on another's property without his consent. St. 1884, 302. (See 1884, 306.)

Electric light or power companies are authorized to mortgage property to secure bonds. St. 1890, 371; 1894, 501.

SECT. 16. See St. 1895, 330.

**Chapter 110. — Of Aqueduct Corporations.**

Payment and returns of capital stock regulated. St. 1894, 380.

SECT. 2 is amended. St. 1897, 496 § 6.

SECTS. 7, 8 are repealed and issue of stock and bonds regulated. St. 1894, 452, 472, 476.

**Chapter 111. — Of Proprietors of Wharves, General Fields and Real Estate Lying in Common.**

SECT. 4 is amended. A sworn return is required. St. 1897, 496 § 7.

**Chapter 112. — Of Railroad Corporations and Railroads.**

The operation of railroads by electricity is authorized. St. 1892, 110.

State inspection of tracks, equipment, etc., is provided for. St. 1894, 535.

Railroad corporations are required to issue mileage tickets which shall be accepted on all railroad lines in the State. St. 1892, 389.

The issuing of tickets free or at less than usual rates to members of the legislature, the executive, the judiciary and certain others is forbidden. St. 1892, 59.

Railroad companies may join relief societies of employees. St. 1886, 125. (See 1882, 244; 1887, 270 § 6; 1890, 181.)

Provision for elevated railways in and near Boston. St. 1894, 548, 550; 1897, 500. (See 1890, 368.)

Provision for compensation for joint occupancy of stations and grounds. St. 1893, 142.

Conditional sales and leases of equipment and rolling stock are regulated. St. 1894, 326. Leases and consolidations must be approved by railroad commissioners. St. 1894, 506.

SECTS. 7, 8. See St. 1897, 500 § 19.

SECT. 9. Assistant clerk allowed. St. 1895, 313.

SECTS. 10-12. Salaries fixed: Clerk; St. 1885, 119. Assistant clerk; 1895, 313. Accountant; 1885, 164. Salaries are to be paid monthly. St. 1885, 224. Allowance made for books, maps and incidentals. St. 1890, 200. (See 1894, 535 § 8; 1896, 302; 1897, 376 § 4.)

SECT. 14. Powers of the commissioners increased. St. 1882, 162, 265 § 1; 1883, 117; 1885, 110, 334; 1886, 120; 1888, 240; 1890, 332; 1891, 129, 204; 1892, 171, 228; 1893, 142, 210 § 2, 315; 1894, 41, 462, 469, 472, 502, 506, 535, 543; 1895, 136, 316, 362, 378. (See 1896, 409.)

They may authorize running of steamboats on Sundays. St. 1897, 389. (See 1887, 391 § 3.)

SECTS. 21, 26. Returns and statements regulated. St. 1889, 328; 1893, 131. (See 1889, 241.)

SECT. 34. The commissioners must certify that public convenience and necessity require the construction, before organization of a railroad company under the general law. St. 1882, 265 § 1.

SECT. 38 *et seq.* No steam railroad may be located within three miles of the State House except on certain conditions. St. 1882, 265 § 4. (See 1884, 279.)

Railroad corporations may change their locations to improve the alignment of their roads. St. 1887, 430. (See 1882, 149; 1884, 134.)

SECT. 44. The proceedings are void unless certificate of incorporation is issued within one year from the time when the route is fixed. St. 1882, 265 § 2.

SECT. 52. Street railways shall be subject to provisions of this section. St. 1897, 99.

SECT. 54. Clause prohibiting the casting of more than fifty votes by a proxy or attorney is repealed. St. 1888, 188. (See 1889, 222.)

SECT. 56. Delivery of written transfer sufficient. St. 1884, 229.

SECTS. 58, 59, 60. Issue of capital stock and bonds regulated. St. 1887, 366; 1893, 315; 1894, 462, 472, 502; 1897, 337. (See 1894, 476.)

SECT. 62. The bonds may run fifty years. St. 1887, 191. (See 1883, 7.)

SECTS. 62-73. A purchaser under a valid foreclosure and his grantees and successors have the same powers and duties as the original corporation. St. 1886, 142.

SECTS. 63-70. Street railway companies may issue bonds, and these sections shall apply. St. 1889, 316; 1892, 192. (See 1897, 337.)

SECT. 81 *et seq.* Returns and statements regulated. St. 1889, 328; 1893, 131. (See 1889, 241.)

SECT. 82 is applied to street railway companies. St. 1892, 254.

SECT. 89. Time of notice to and filing of location by railroad corporations under St. 1878, 135 § 1, is changed. St. 1882, 149.

SECT. 91 is revised. Land may be taken outside of the location for one or more tracks, subject in some cases to certain conditions. St. 1884, 134. (See 1882, 149; 1887, 430.) Locations of lands purchased may be filed. St. 1895, 356; 1896, 78.

SECT. 115. The power to exempt from the duty to fence is transferred to the railroad commissioners. Proceedings to revoke exemptions regulated. St. 1882, 162.

SECT. 117 *et seq.* No right of way across any railroad track or location in use for railroad purposes shall be acquired by prescription. St. 1892, 275.

SECTS. 117-138. Wood which obstructs view at crossings may be cut. St. 1889, 371. These sections are not affected by St. 1891, 170.

Provision is made for the abolition of grade crossings. St. 1885, 194; 1887, 295; 1890, 428; 1891, 33, 123, 262; 1892, 312; 1893, 283, 424; 1894, 216, 545; 1895, 103, 426; 1896, 439; 1897, 264. (See 1882, 135; 1891, 170 § 5; 1892, 178, 228; 1895, 491.)

Railroad companies must maintain crossings to give access to lands cut off by their road-beds. St. 1892, 171.

SECTS. 127, 169. The commissioners may forbid or regulate the occupation of street crossings. St. 1885, 110; 1890, 382; 1892, 228.

SECTS. 128, 148, 160. Provision is made for examination of railroad bridges. St. 1887, 334. And tracks, equipments, etc. St. 1894, 535; 1897, 376.

SECTS. 129-132 amended. St. 1885, 194; 1887, 295. (See 1882, 135.)

SECTS. 129-134. P. S., ch. 51, applies to alterations of ways at railroad crossings. St. 1884, 280. (See 1890, 428 § 12.)

SECT. 131 amended. St. 1885, 194 § 4; 1887, 295.

SECT. 138. Appeal provided from decision of the county commissioners. St. 1882, 135. (See 1885, 194 § 6; 1890, 428 § 12; 1892, 171.)

SECT. 139. Clause forbidding branches within eight miles of the State House is stricken out. St. 1884, 279. (See 1882, 265 § 4.)

SECT. 148. Railroad drawbridges over Charles river regulated. St. 1889, 246; 1890, 118. (See 1887, 334.)

SECTS. 148-150. Extended to drawbridge over Fort Point channel in Boston. St. 1893, 357.

SECT. 159. Frogs, switches and guard rails must be blocked to the approval of the railroad commissioners. St. 1886, 120; 1894, 41.

SECT. 160. See St. 1887, 334.

SECT. 161. Provision made for interlocking or automatic signals at railroad crossings. St. 1885, 85.

SECT. 163 *et seq.* The commissioners may forbid or regulate locomotive whistles at highway crossings. St. 1885, 334. (See 1890, 173.) And may recommend changes in making up freight trains and sounding whistles. St. 1891, 204. (See 1891, 129.)

At least three separate and distinct blasts of the whistle are required at crossings. St. 1890, 173.

SECTS. 164-166. The railroad commissioners may require gates, flags or electric signals at highway crossings. St. 1883, 117; 1888, 240. And signals at crossings above grade. St. 1891, 129. (See 1892, 228.)

SECT. 169 is extended to receivers and assignees of railroad corporations. St. 1895, 173.

SECT. 170. Locomotive boilers must be tested. St. 1882, 73.

Certain safety appliances are required on freight cars. St. 1884, 222; 1895, 362. (See 1886, 242; 1894, 59.)

SECT. 171. Additional tools and safeguards against fire required. St. 1882, 54. (See 1887, 362; 1891, 249.)

SECT. 172. The heating of passenger cars is regulated. St. 1887, 362; 1891, 249.

SECT. 179. The requirement of an examination for color blindness every two years is repealed. St. 1883, 125.

SECT. 180. Interchangeable mileage tickets are required. St. 1892, 389. Extra fare paid on trains regulated. St. 1883, 32.

SECTS. 181-183. Railroad corporations shall not require women or children to ride in smoking cars. St. 1888, 176.

SECT. 187 *et seq.* Transportation and delivery of intoxicating liquors in no-license towns regulated. St. 1897, 271.

SECT. 188. Extended to freight charges. St. 1882, 225. (See 1882, 94.) And to express business on railroad and steamboat lines. St. 1894, 469.

SECTS. 192-194 are revised. St. 1893, 210.

SECT. 204. The maximum penalty for placing obstructions on railroad tracks is increased. St. 1890, 332.

SECT. 205. The unlawful use, removal or tampering with the tools, etc., required to be carried on passenger trains is made an offence. St. 1882, 54 § 2.

SECT. 206. See St. 1895, 318.

SECT. 207. Word "electric" stricken out. St. 1884, 5.

SECT. 212. Employees are included under this section. St. 1883, 243. They may sue for damages. St. 1887, 270; 1888, 155; 1892, 260; 1893, 359; 1894, 499; 1897, 491. (See 1888, 365; 1889, 154; 1894, 469 § 3; 1895, 362 § 7; 1896, 302.)

SECT. 214 is amended. St. 1895, 293.

SECT. 216. See St. 1893, 142.

SECTS. 223, 224. When their consent is required the commissioners may regulate tracks at crossings by a railway for private use. St. 1890, 382.

### Chapter 113.—Of Street Railway Companies.

Provision for extension of franchises of street railway companies. St. 1896, 501.

Provisions for contracts or leases between companies for transportation over connecting lines. St. 1897, 213. And for purchase and consolidation of lines. St. 1897, 213. (See 1897, 500.)

Provision for rapid transit in Boston and vicinity. St. 1893, 481; 1894, 548; 1895, 440; 1896, 492; 1897, 500. (See 1890, 368; 1891, 365; 1892, 424; 1896, 516.)

This chapter applies to companies using the cable system. St. 1886, 337 § 4.

Liability for injuries regulated. St. 1886, 140. (See 1887, 270; 1888, 155, 365; 1889, 154; 1892, 260; 1893, 359; 1894, 499; 1895, 362 § 7; 1896, 302; 1897, 491.)

An action of tort may be brought against street railway corporations for loss of life. St. 1886, 140.

Street railway companies may issue mortgage bonds in certain cases and Pub. St., ch. 112 §§ 63-70, apply. St. 1889, 316; 1892, 192.

They may join relief societies of employees. St. 1890, 181. (See 1882, 244; 1886, 125; 1887, 270 § 6.)

May hold real estate for pleasure resorts in certain places. St. 1895, 316.

Conditional sales and leases of rolling stock regulated. St. 1894, 326. Leases and consolidations must be approved by railroad commissioners. St. 1894, 506. (See 1897, 213.)

SECT. 10. Street railway companies shall be subject to provisions of Pub. St., ch. 112 § 52. St. 1897, 99.

SECT. 12. Clause as to proxy, etc., casting more than fifty votes repealed. St. 1889, 210. (See 1888, 188; 1889, 222.)

SECTS. 13-18. Further provisions made as to increase and reduction of capital stock, and issue of bonds. St. 1886, 337 § 3; 1887, 366; 1890, 326; 1894, 462, 472, 476, 543; 1895, 316 § 3; 1896, 409; 1897, 337. (See 1893, 315.)

SECT. 15 amended. St. 1887, 366; 1896, 409.

SECT. 16 repealed. St. 1893, 315. But see St. 1894, 472 § 3.



SECT. 19 *et seq.* See St. 1890, 368 ; 1894, 548, 550.

SECT. 22 extended to Massachusetts highway commission. St. 1896, 541.

SECT. 27 *et seq.* Children under ten shall not be permitted to enter cars to sell newspapers, etc. St. 1889, 229.

Fenders and wheel guards provided for. St. 1895, 378. (See 1890, 364 ; 1891, 366.) And enclosed front platforms. St. 1897, 452. And street railway police. St. 1895, 318. And street sprinklers. St. 1897, 315. And inspection of tracks, equipments, etc. St. 1897, 376.

SECT. 39. Cable system may be used. St. 1886, 337. (See 1887, 418 § 4 ; 1888, 278.) Electric system authorized in Boston. St. 1887, 413 § 4 ; 1890, 454 § 12. Elevated railway authorized. St. 1890, 368 ; 1894, 548 ; 1897, 500.

SECTS. 40, 41. Street railways shall not cross railroads at grade unless by consent of the railroad commissioners or special commissioners. St. 1895, 426. (See 1885, 110 ; 1890, 382 ; 1892, 228.)

SECT. 43. Railroad commissioners may require additional accommodations for the travelling public. St. 1891, 216. Shall require cars to be heated at certain times. St. 1895, 136.

SECT. 46 *et seq.* See St. 1887, 413 ; 1890, 454. Free transfer checks may not be discontinued without consent of railroad commissioners. St. 1894, 383.

SECT. 48 *et seq.* One company may not use tracks of another company unless authorized by the railroad commissioners. St. 1888, 278. (See 1886, 337 § 2 ; 1887, 413 ; 1894, 506 ; 1896, 501 ; 1897, 213, 269.)

SECT. 58. Companies are required to contribute to expense of printing and binding their annual returns. St. 1892, 254.

SECT. 63. Superior court given concurrent jurisdiction. St. 1891, 293.

#### Chapter 114. — Of Agricultural and Horticultural Societies.

Corporations organized under this chapter may be authorized to improve public grounds. St. 1885, 157. (See 1897, 254.)

Inspection of concentrated commercial feed stuffs is provided for. St. 1897, 117.

Provision is made for a bounty for sugar from beets or sorghum cane. St. 1883, 189. And for bounties to chartered poultry associations. St. 1895, 351.

"Arbor day" established. Res. 1886, 32.

SECT. 1. The restriction is modified. St. 1890, 297.

An agricultural society receiving a bounty can sell or mortgage its real estate only on certain conditions. St. 1890, 274.

SECT. 2. Time of filing certificate changed. The board may require other returns. St. 1891, 124.

SECT. 18 is amended. A sworn return is required. St. 1897, 496 § 8.

SECT. 20 *et seq.* Entering or driving a horse that is disguised or different from the one purported to be entered, etc., to compete for a purse or premium is punishable. St. 1892, 167.

Provision made for assignment of police officers at exhibitions. St. 1892, 180.

Registration of pedigrees of horses used for breeding purposes provided for. St. 1890, 334. (See 1887, 143.)

### Chapter 115.—Of Associations for Charitable, Educational and Other Purposes.

Provision made for incorporation of labor and trade organizations. St. 1888, 134. (See 1892, 330.) And textile schools. St. 1895, 475.

And for formation of relief societies of railroad, steamboat and street railway employees, in which the companies may join. Their funds are not attachable. St. 1882, 244; 1886, 125; 1890, 181. (See 1887, 270 § 6.)

The consolidation of masonic mutual relief associations is authorized. St. 1887, 140.

The incorporation of clubs is regulated. St. 1890, 439; 1893, 226; 1894, 542. (See 1887, 206.)

No corporation organized for medical purposes under this chapter shall confer degrees. St. 1883, 268. (See 1893, 355.)

The provisions of this chapter apply to churches incorporated under St. 1887, 404.

Provision for sale of church and trust property by order of supreme judicial court. St. 1897, 462.

SECTS. 2, 7. See St. 1896, 96; 1897, 97.

SECT. 3. Increase of stock and par value of shares regulated. St. 1888, 177; 1890, 191. (See 1888, 429.)

SECTS. 3-5. Corporations may be formed for life and casualty insurance on the assessment plan. St. 1890, 421; 1892, 435; 1894, 367; 1895, 104, 281, 340. (See 1885, 183; 1887, 214 §§ 2, 3; 1888, 429.)

SECTS. 8-12 repealed, and law as to fraternal beneficiary organizations revised. St. 1894, 367; 1895, 104, 281, 340; 1896, 102, 136. (See 1882, 195; 1885, 183; 1887, 140, 214; 1888, 429; 1890, 341, 400, 421; 1891, 163; 1892, 40, 435; 1893, 47, 321, 418; 1894, 60, 328, 522 § 3.)

### Chapter 116.—Of Savings Banks and Institutions for Savings.

This chapter is repealed and the laws relating to institutions for savings are revised and consolidated. St. 1894, 317; 1895, 164; 1896, 178, 193, 231, 327, 361; 1897, 109, 262, 362. (See 1882, 50, 77, 148, 200; 1883, 52, 127, 134, 248, 258; 1884, 72, 150, 168, 253; 1885, 92, 111, 124, 210, 348; 1886, 69, 77, 93, 176, 252, 300; 1887, 113, 196, 319; 1888, 40, 51, 53, 90, 96, 120, 127, 170, 213, 250 § 2, 301 § 6, 355; 1889, 77, 86, 88, 91, 161, 180, 305, 321, 449, 452; 1890, 44, 168, 222, 298, 330, 369, 394, 406; 1891, 171, 403; 1892, 248; 1893, 174, 230, 254; 1896, 171.)

Provisions as to bonds of officers and employees. St. 1896, 361.

Additional expert and clerical assistance provided for. St. 1885, 66. (See 1897, 362.)

### Chapter 117.—Of Co-operative Savings Fund and Loan Associations.

The title of this chapter and name of associations changed to "Co-operative Banks." St. 1883, 98.

The business of co-operative banking is regulated. St. 1882, 251; 1883, 98; 1885, 121; 1887, 216; 1889, 159, 452; 1890, 63, 78, 243, 310; 1891,

403; 1894, 342; 1895, 171, 172; 1896, 277, 285, 286, 327, 361; 1897, 161.

The business may not be carried on here in name of a co-operative bank unless incorporated here. St. 1889, 452; 1896, 286. (See 1890, 310; 1891, 403.)

Provisions as to bonds of officers and employees. St. 1896, 361.

The capital stock, corporate franchise and personal estate of co-operative banks are exempted from taxation. St. 1890, 63.

SECT. 1. The consent of the savings bank commissioners is required for the formation of co-operative banks. St. 1890, 243.

SECT. 5. Co-operative banks must provide a guaranty fund. St. 1885, 121 § 2.

The limit of capital refers to the capital paid in on shares. St. 1887, 216 § 1.

SECT. 6. One person may be secretary and treasurer. St. 1885, 121 § 1.

SECT. 8. The mode of retiring shares is determined and their value. St. 1887, 216 § 2. (See 1882, 251.)

SECT. 9. Before payment of matured shares, arrears and fines are to be deducted. St. 1882, 251 § 1. Interest is allowed for all full months from last adjustment. St. 1887, 216 § 5.

SECT. 10 is revised. St. 1896, 277. Interest may be bid instead of a premium. St. 1882, 251 § 2.

Directors may loan money on shares of the corporation. St. 1890, 78.

SECT. 13 is amended and new provisions made as to the security. St. 1889, 159 § 1; 1894, 342. (See 1896, 277.)

SECT. 14. Provision for partial payments. St. 1887, 216 § 4.

SECT. 15. Fines limited. See St. 1895, 172. Withdrawal value to be ascertained at time of forfeiture, instead of time of default. St. 1896, 285.

SECT. 16 is revised. St. 1882, 251 § 1; 1885, 121 § 4.

SECT. 17. As to officers' bonds, see St. 1896, 361.

SECT. 18. See St. 1885, 121 § 2.

SECT. 20. See St. 1891, 403; 1896, 286.

### Chapter 118.—Of Banks and Banking.

Foreign banking corporations doing business here shall indicate on their signs, letter heads, etc., the name of the State or country in which they are chartered. St. 1890, 329.

The incorporation and conduct of safe deposit, loan and trust companies are regulated. St. 1887, 89; 1888, 413; 1889, 342, 452; 1890, 315, 329; 1892, 327; 1893, 114; 1896, 423; 1897, 304. (See 1887, 225; 1896, 369.)

And of mortgage loan and investment companies. St. 1888, 387; 1889, 427, 452; 1890, 329; 1891, 233, 275, 341; 1893, 303; 1895, 311.

A commissioner of foreign mortgage corporations is established. St. 1889, 427; 1891, 275; 1893, 303.

Time of presentment of bills and notes regulated. St. 1894, 333; 1896, 496.

SECT. 30 *et seq.* Banking hours on Saturdays regulated. St. 1895, 201.

### Chapter 119.—Of Insurance Companies and Insurance.

This chapter is repealed and the insurance laws revised and codified. St. 1894, 522; 1895, 46, 59, 81, 104, 159, 190, 263, 271, 366, 474; 1896, 124, 126, 137, 140, 171, 253, 270, 335, 402, 447, 448, 470, 515; 1897, 62, 63, 64, 65, 66, 67, 118, 186, 197, 357. (See 1882, 195; 1883, 33, 107, 126, 235, 258; 1884, 55, 58, 119, 120, 177, 178, 180, 217, 235, 296; 1885, 183, 241, 300, 308, 354; 1886, 187, 222; 1887, 214, 283; 1888, 84, 141, 151, 154, 165; 1889, 356, 378; 1890, 26, 304; 1891, 195, 233, 289, 291, 368, 382; 1892, 47, 372; 1893, 54, 117, 224, 434; 1894, 19, 103, 120, 133, 137, 147, 225, 300, 381, 442; 1896, 178.)

Standard form of fire policy. St. 1894, 522 § 60; 1895, 59 §§ 3, 4. (See 1896, 140.)

Employment of an actuary authorized. St. 1895, 81. And an examiner. St. 1896, 335.

Certain veterans exempted from payment of fees for certificate to act as insurance broker. St. 1895, 159.

No life policy shall be issued without previous examination by a registered physician. St. 1895, 366. (See 1894, 522 §§ 68-73.)

Disposal of certain unclaimed funds of insolvent companies regulated. St. 1890, 330. (See 1883, 258; 1886, 300.)

Agents of domestic companies must be registered. St. 1895, 46.

SECT. 2. Salary of insurance commissioner established. St. 1890, 247; 1894, 522 § 4.

SECTS. 21, 38, 167. Moneys to be paid by life or casualty insurance companies doing business on the assessment plan are made not attachable. St. 1890, 421 § 23. (See 1885, 183 § 11; 1887, 214 § 73; 1892, 372.)

SECTS. 117 to 130 apply to existing mutual marine and fire and marine companies. St. 1894, 522 § 53.

SECT. 145. Life and casualty insurance on the assessment plan is regulated. St. 1890, 421; 1892, 435; 1896, 515. (See 1885, 183.)

The organization and business of fraternal beneficiary associations are regulated. St. 1894, 367; 1895, 104, 281, 340; 1896, 102, 136; 1897, 228. (See 1882, 195; 1885, 183; 1887, 140, 214; 1888, 429; 1890, 341, 400, 421 § 1; 1891, 163, 233, 360; 1892, 40, 201, 435; 1893, 47, 321, 418; 1894, 60, 328, 522 § 3.)

### Chapter 120.—Of the Alienation of Real Estate.

SECT. 1 *et seq.* The recording of an instrument affecting title is made conclusive evidence of delivery. St. 1892, 256.

An act to simplify the proof of attested instruments. St. 1897, 386.

Form of execution and acknowledgment of deeds, etc., established. St. 1894, 253; 1895, 460.

A conveyance otherwise valid shall be effectual notwithstanding disseisin or adverse possession. St. 1891, 354.

SECT. 4. Office copies of records may be recorded in another county or district where part of the land lies. St. 1889, 448.

A mortgage is declared invalid against an assignee in insolvency in certain cases. St. 1888, 393.

SECT. 6. Authority of magistrates out of the State must be properly certified to. St. 1894, 253 § 3.

SECT. 15. Provision for construction of words importing a want or failure of issue. St. 1888, 273.

SECT. 19 *et seq.* Sale of estate subject to vested remainder may be authorized. St. 1895, 183; 1897, 136.

Additional provisions for appointment of guardians *ad litem* or next friends of persons under disability or not ascertained. St. 1896, 456; 1897, 522.

#### Chapter 122.—Of Easements.

No right of way across a railroad location in use for railroad purposes shall be acquired by prescription. St. 1892, 275.

#### Chapter 124.—Of the Rights of a Husband in the Real Estate of his Deceased Wife, and the Rights of a Wife in that of her Deceased Husband.

SECT. 1. Words "If his wife does not otherwise provide by will," in sixth and seventh lines, and word "intestate," in eighth line, stricken out. St. 1885, 255; 1887, 290.

SECT. 17 is amended. St. 1889, 234; 1894, 170.

#### Chapter 125.—Of the Descent of Real Estate.

SECTS. 3-5. See St. 1895, 427.

SECT. 4. If the mother also is dead, the estate descends to the persons entitled by inheritance through her. St. 1882, 132.

#### Chapter 126.—General Provisions concerning Real Estate.

Conditions or restrictions affecting title or use of real estate, unlimited as to time, shall be construed as limited to thirty years, except in certain cases. St. 1887, 418.

Provision made for proceedings to determine validity, nature and extent of certain conditions, restrictions, etc., on real estate. St. 1889, 442; 1890, 427; 1897, 522. (See 1882, 237; 1885, 283; 1893, 340.)

Construction placed on words importing want or failure of issue. St. 1888, 273.

SECTS. 5, 6. A conveyance or devise to a husband and wife creates a tenancy in common unless otherwise expressed. St. 1885, 237.

SECT. 13 extended to judgments and decrees. St. 1892, 289. And to use or occupation of buildings on the real estate. St. 1897, 463.

#### Chapter 127.—Of Wills.

SECT. 7. See St. 1889, 435.

SECT. 8. Marriage shall act as a revocation, except in certain cases. St. 1892, 118.

SECT. 26. See St. 1891, 354.

SECT. 33. See St. 1883, 223.

SECT. 34 repealed so far as it applies to probate courts. St. 1891, 415.

### **Chapter 129.—Of the Probate of Wills and the Appointment of Executors.**

The probate of a will is made conclusive in certain cases after two years. St. 1889, 435.

SECTS. 1, 2. Petitions for probate must be sworn to by petitioner. St. 1891, 414.

SECT. 5. See St. 1893, 379, as to Suffolk county.

### **Chapter 130.—Of the Appointment of Administrators.**

SECTS. 1, 2. Petitions for letters testamentary must be sworn to by petitioner. St. 1891, 414. (See 1897, 447.)

Provision made for granting administration without notice in certain cases. St. 1885, 260. And to any suitable person. St. 1890, 265.

A decree of intestacy is made conclusive in certain cases after two years. St. 1889, 435.

Provision for settlement of estates of persons who have been absent and unheard from for more than fourteen years. St. 1897, 447.

SECTS. 2, 8. Administrators may be allowed to give bond without sureties in certain cases. Failure to give a new bond when required shall be considered a resignation. St. 1885, 274. (See 1893, 379.)

SECT. 4. Administration may be granted for cause upon particular property more than twenty years after the person's death. St. 1889, 192. (See 1885, 242.)

SECT. 9. Administrator de bonis may be appointed to distribute unclaimed funds. St. 1890, 408 § 2.

SECTS. 10-17. Special administrator may be allowed to pay expenses of executor in proving the will. St. 1884, 291. (See 1884, 131.) And such debts of deceased as the probate court may approve. St. 1897, 199.

### **Chapter 131.—Of Public Administrators.**

SECT. 18. Time for presenting claims under this section limited. St. 1883, 264.

### **Chapter 132.—General Provisions relative to Executors and Administrators.**

Provision for administration of estates of persons who have been absent and unheard from for more than fourteen years. St. 1897, 447.

Probate courts given jurisdiction in equity in administration of estates of deceased persons. Proceedings regulated. St. 1891, 415.

Executors or administrators may provide for perpetual care of burial lots. St. 1897, 321.

SECTS. 1-4. Provisions as to the proof of notice are revised. St. 1888, 148, 380; 1889, 315. (See 1888, 420.)

SECT. 6. One appraiser may be appointed when deemed advisable. St. 1897, 147. (See 1896, 210.)

SECTS. 8, 13. No foreign executor or administrator shall receive his letter until the appointment of resident agent is properly made. St. 1893, 118. (See 1890, 420.)

**Chapter 134. — Of Sales and Mortgages of Real Estate by Executors and Administrators.**

Executors and administrators may be licensed to sell at private sale. St. 1886, 137.

Real estate appraised at \$1,500 or less may be sold for purposes of distribution. St. 1890, 266.

SECT. 13. Change in method of proof of notice. St. 1888, 148, 380; 1889, 315. (See 1888, 420.)

SECT. 19 extended to intestate estates. St. 1895, 140.

**Chapter 135. — Of Allowances to Widows and Children and of the Distribution of the Estates of Intestates.**

SECT. 3, cl. 3. When a married woman dies leaving issue, the husband is entitled to one-half of the personal estate. St. 1882, 141.

CL. 5. If intestate leaves a widow and no kindred, the widow is entitled to the whole of the residue. St. 1885, 276.

**Chapter 136. — Of the Payment of Debts, Legacies and Distributive Shares.**

Executor or administrator may provide for perpetual care of burial lot. St. 1897, 321.

Certain payments made without order of court may be afterwards approved. St. 1894, 308. Special administrators may pay such debts as the probate court may approve. St. 1897, 199.

Provision made for a State tax of five per cent. on collateral legacies and successions, and on grants to take effect after death of grantor in estates exceeding \$10,000. St. 1891, 425; 1892, 379; 1893, 432; 1895, 307, 430.

SECT. 19 *et seq.* Where a legatee is a minor without a guardian, court may order the legacy to be deposited in a savings bank under P. S., ch. 144 § 16. St. 1889, 185.

Real estate appraised at \$1,500 or less may be sold for distribution. St. 1890, 266.

Distribution of unclaimed funds may be ordered by the court in certain cases. St. 1890, 408. And of legacies. St. 1895, 134.

**Chapter 139. — Of Guardianships.**

Additional provisions for appointment of guardians ad litem or next friends. St. 1896, 456; 1897, 522. On an appeal from appointment of a guardian the court may appoint a temporary guardian. St. 1897, 135.

SECTS. 1-3. Certain corporations are authorized to be guardians of minors. St. 1885, 362; 1890, 117.

SECTS. 2-4. The probate court may require parents to contribute to support of their minor children under guardianship. St. 1891, 358.

SECT. 8 is revised. St. 1897, 173.

SECT. 16 is extended to married women who are minors. St. 1890, 259.

SECT. 29 *et seq.* Guardians residing out of the State must appoint an agent here. P. S., ch. 132 §§ 11-13, apply to them. St. 1889, 462; 1893, 118. (See 1890, 420; 1894, 128.)

**Chapter 140.—Of Sales and Mortgages of Real Estate by Guardian.**

SECT. 3. Guardian may be licensed to lease the ward's real estate. St. 1894, 128. (See 1895, 183; 1896, 456; 1897, 135, 136.)

SECT. 18 is extended to any interest in real estate. St. 1885, 258.

**Chapter 141.—Of Trusts.**

Probate courts have jurisdiction in equity over trusts created by will. St. 1891, 415.

SECTS. 4-11. Foreign trustees must have an agent here. The provisions of P. S., ch. 132 §§ 11-13, apply. St. 1889, 462; 1893, 118. (See 1890, 420.)

SECT. 16 is revised. Trustee may be exempted from furnishing surety on request of parties interested. St. 1891, 339.

SECT. 21. See St. 1896, 456; 1897, 522.

SECT. 23 is extended to other improvements. St. 1889, 66.

SECT. 27 is extended to trusts created under any written instrument. St. 1892, 116.

**Chapter 142.—General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, Administrators, Guardians, and Trustees.**

A foreign guardian or trustee must have an agent here. P. S., ch. 132 §§ 11-13, apply. St. 1889, 462; 1893, 118. (See 1890, 420; 1894, 128.)

SECT. 12. See St. 1893, 379.

SECT. 14 is extended to administrators with the will annexed. Those claiming as legatees or devisees whose interests are affected are to be made parties. St. 1889, 266.

SECT. 18. See St. 1897, 447 § 7.

SECT. 23 is extended. Defective acts or proceedings may be ratified or confirmed. St. 1888, 420.

Provision in case of failure to prove notice of sale. St. 1889, 315. (See 1888, 148.)

**Chapter 143.—General Provisions relative to Bonds of Executors, Administrators, Guardians and Trustees.**

Fidelity insurance companies may act as sureties. St. 1894, 522 §§ 29, 61. (See 1884, 296; 1885, 241; 1886, 233; 1887, 214 §§ 29, 61; 1893, 117.)

SECT. 10 *et seq.* Wife of a judge of probate may be defendant in a suit on a bond given to him or his predecessor as such judge. St. 1896, 208.

SECT. 19. Suit shall be brought in superior court. St. 1897, 131.

SECT. 23. See St. 1893, 396 § 14.

**Chapter 144.—Of the Accounts and Settlements of Executors, Administrators, Guardians and Trustees.**

Certain payments made without order of the court may be approved. St. 1894, 303. (See 1897, 199, 321.)

Form of accounts regulated. St. 1895, 210.



SECT. 8. Money paid with the approval of the judge for procuring surety on the bond may be allowed. St. 1886, 233. (See 1887, 214 §§ 29, 61.)

Requests to executors in excess of a reasonable compensation are liable to the State legacy tax. St. 1891, 425 § 3.

SECTS. 13, 14 are revised. St. 1895, 288. (See 1889, 466.)

SECT. 16. Legacies to persons whose residence is unknown, and to minors without guardians, may be deposited. St. 1885, 376; 1889, 185. (See 1893, 379.) Also property of an absent person whose residence is unknown in certain cases. St. 1894, 203.

The amount which may be deposited and draw interest is not limited. St. 1889, 86, 449.

Provision is made for final distribution of deposits by the probate court in certain cases. St. 1889, 449 § 2; 1890, 408.

SECTS. 17, 18. Provision for guardians *ad litem* or next friends in certain cases. St. 1896, 456; 1897, 135, 522.

#### Chapter 145. — Of Marriage.

SECTS. 4, 14. Marriages made in good faith, one of the parties believing that a former husband or wife is dead or divorced, are made valid when the impediment is removed, and the children are legitimate. St. 1895, 427; 1896, 499.

SECT. 11 is extended to residence here for five years unless libellant removed here for the purpose. St. 1886, 36.

SECTS. 11, 15. The superior court has exclusive original jurisdiction under these sections. St. 1887, 332.

SECT. 16. The marriage of minors is regulated. St. 1894, 401, 409 § 4. Additional provisions relative to notices and certificates. St. 1894, 409; 1897, 424.

SECTS. 22, 27. Duly authorized clergymen and licensed and certified Israelitish rabbis may solemnize marriages anywhere in the State. St. 1894, 409 § 5; 1896, 306 § 4. (See 1893, 461; 1897, 424 § 5.)

SECT. 24. The returns shall be preserved and arranged for reference. St. 1887, 202 § 3.

Change made in form of record and returns. St. 1892, 300. (See 1897, 424.)

SECTS. 25, 26 are revised. St. 1896, 306.

SECT. 31. See St. 1896, 445.

#### Chapter 146. — Of Divorce.

Provision is made for returns of statistics of divorce. St. 1882, 194.

The superior court has exclusive original jurisdiction of all cases of divorce and nullity and validity of marriages. St. 1887, 332.

SECT. 1. Divorce may be decreed for gross and confirmed drunkenness caused by the use of opium or other drugs. St. 1889, 447. And for any legal cause, notwithstanding an absence which would raise a presumption of death. St. 1884, 219.

SECT. 10. When adultery is charged the alleged *particeps criminis* may contest. St. 1890, 370.

SECT. 19. All decrees shall become absolute after six months unless court has otherwise ordered. St. 1893, 280. (See 1882, 223; 1893, 194.)

SECTS. 42-44. Procuring a fraudulent divorce; advertising, by one not a member of the bar, the business of procuring divorces; and unlawfully issuing certificates of divorce, are made offences. St. 1886, 342; 1887, 320; 1891, 59.

#### Chapter 147. — Of Certain Rights and Liabilities of Husband and Wife.

A wife has right of interment in any tomb or lot which her husband owned during coverture. St. 1883, 262. (See 1885, 302; 1892, 165.)

SECT. 1. A wife cannot, without his written consent, destroy or impair her husband's life estate in one-half her lands where there is no issue. St. 1889, 204. (See 1884, 301; 1885, 255; 1887, 290.)

SECT. 3 is revised. Nothing contained in the preceding section shall authorize such transfer. St. 1884, 132.

SECT. 6 extended to the case where there is no issue, and exception is made if the wife is living apart for cause approved by the court. St. 1885, 255; 1887, 290. (See 1884, 301.)

SECT. 16 *et seq.* Provision is made for a release of the courtesy by the guardian of an insane husband. St. 1886, 245.

SECT. 20. The notice shall be such as the court may order. St. 1890, 105.

SECTS. 31-33, 36. The probate court has exclusive original jurisdiction under these sections and the appeal is to the superior court. St. 1887, 332 §§ 2, 3. (See 1882, 270; 1884, 210; 1885, 176; 1888, 290; 1893, 262; 1895, 116.)

Provision for receivers of estates of absent persons whose address is unknown, having a wife or child dependent on them for support. St. 1894, 203.

SECT. 36. Probate courts may require parents to contribute to support of children under guardianship. St. 1891, 358.

#### Chapter 148. — Of the Adoption of Children and the Change of Names.

Adoption of pauper and illegitimate children regulated. St. 1891, 194; 1892, 318. (See 1882, 270; 1889, 309, 416.)

SECT. 3 is amended. St. 1886, 101 § 4.

SECT. 6. See St. 1897, 228.

SECTS. 12-14. A list of names changed, ordered published. St. 1884, 249; 1893, 191.

SECT. 14. The registers shall make the returns. St. 1897, 89.

#### Chapter 150. — Of the Supreme Judicial Court.

The care and custody of the Suffolk county court house is given to the justices of the supreme judicial court. St. 1894, 453.

SECT. 4. County commissioners added. St. 1897, 224.

SECT. 5. See St. 1886, 203; 1891, 180, 419; 1892, 435.

Exclusive original jurisdiction is given to the superior court in cases of divorce and nullity of marriages. St. 1887, 332 § 1. Of capital crimes. St. 1891, 379. And of petitions for partition and writs of entry. St. 1892, 169.

Appeals on petitions under sections 31-33 and 36 of chapter 147 are to superior court. St. 1887, 334 § 3. (See 1888, 290.)

SECT. 7. Questions for the full court may be heard in any county. St. 1892, 127.

SECT. 14. Further provisions in cases of frivolous appeals and exceptions. St. 1883, 223 § 15.

SECT. 16. When appeal or exceptions are not entered, the court below may affirm the judgment. St. 1888, 94. (See 1882, 239; 1895, 153; 1896, 451.)

SECTS. 18-20, 24, 26-29 repealed. St. 1891, 379. (See 1893, 394.)

SECTS. 21, 22, 23 and 25 are repealed. St. 1886, 339. (See 1891, 379.)

SECT. 30 *et seq.* Terms are abolished, return days changed and practice further regulated. St. 1885, 384; 1886, 223; 1887, 383; 1890, 374, 420 § 2; 1892, 127, 169; 1893, 61. (See 1882, 264 § 2; 1883, 223; 1884, 316; 1887, 347.)

The law term for Worcester is changed. St. 1885, 48. And for Bristol, Dukes and Nantucket. St. 1891, 287.

SECT. 39. Salaries fixed and allowance made for travelling expenses. St. 1892, 104. (See 1888, 274 § 1; 1892, 59; 1893, 327.)

Pensions are provided for. St. 1885, 162. And clerical assistance. St. 1891, 89. (See 1893, 327.)

#### Chapter 151.—Of the Supreme Judicial Court Equity Jurisdiction.

The equity jurisdiction is extended. St. 1884, 285; 1887, 380; 1891, 383; 1892, 435.

SECT. 2, cl. 11. See St. 1884, 285; 1887, 214 § 73.

SECTS. 5-7. Practice regulated and forms established. St. 1883, 223; 1884, 316; 1885, 384; 1887, 383; 1893, 61. (See 1889, 442; 1890, 427; 1892, 289, 440; 1893, 340; 1896, 426; 1897, 522.)

SECT. 23. See St. 1885, 384 § 3; 1886, 223; 1892, 127; 1896, 413.

SECT. 27 amended. St. 1895, 116. (See 1883, 223 § 16.)

#### Chapter 152.—Of the Superior Court.

SECT. 1. The number of justices is increased. St. 1896, 526. (See 1886, 31; 1888, 58; 1892, 271.)

SECT. 2. Provision for sessions by two or more justices in capital cases. St. 1894, 204. (See 1891, 379.) And without a jury in certain actions at law. St. 1891, 227.

SECTS. 3-6. Jurisdiction is given in equity and practice regulated. St. 1883, 223; 1884, 304, 316; 1885, 384; 1887, 332, 380, 383; 1890, 154, 374; 1891, 227, 362, 383; 1892, 435, 440; 1893, 61; 1895, 116; 1897, 490. (See 1882, 239; 1887, 246, 347; 1888, 114; 1889, 442; 1890, 398, 427; 1893, 340; 1894, 431; 1896, 413, 426; 1897, 522.)

Separate equity docket required in Middlesex and Suffolk. St. 1892, 440.

Exclusive original jurisdiction given in causes of divorce and nullity of marriage. St. 1887, 332 § 1. (See 1894, 409 § 7; 1895, 116.) And of capital crimes. St. 1891, 379; 1894, 204. (See 1893, 324, 365, 394.) And of petitions for partition and writs of entry. St. 1892, 169.

Jurisdiction is given of certain appeals from the probate courts. St. 1887, 332 § 3. (See 1888, 290; 1895, 116.) And of claims against the Commonwealth. St. 1887, 246.

SECTs. 7, 8. The right to remove actions and petitions for partition under these sections is taken away. St. 1892, 169. (See 1885, 384 § 14.)

SECT. 11 repealed. St. 1892, 105.

SECT. 17. Changes in sessions: Barnstable; St. 1891, 175. Bristol: 1888, 314; 1891, 287 § 2. Dukes; 1889, 308. Essex; 1896, 412. (See 1885, 191; 1889, 461; 1895, 256.) Franklin; 1889, 327. Hampden: 1885, 27. Middlesex; 1892, 391. Norfolk; 1889, 287. Worcester; 1894, 118, 169. (See 1882, 264 § 2.)

Provision for speedy trials in Suffolk in certain cases. St. 1894, 283, 547; 1897, 381.

SECT. 18. Changes in adjourned sessions. Essex; St. 1889, 461. Plymouth; 1885, 134.

Terms are abolished and return days changed. St. 1885, 384.

Petitions for damages for land taken by any town in Nantucket or Dukes may be brought in Bristol. St. 1887, 50. (See 1885, 384 § 1.)

SECTs. 19-23 repealed and new provisions made for criminal business. St. 1897, 490.

SECT. 24 is repealed. St. 1887, 183.

SECT. 28. Provision made for pensions. St. 1887, 420.

Salaries are fixed and allowance made for travelling expenses. St. 1892, 328. (See 1882, 205; 1888, 274; 1892, 59.)

### Chapter 153.—Of Matters Common to the Supreme Judicial Court and the Superior Court.

SECT. 3. See St. 1886, 224.

SECT. 4. The superior court may regulate publication and distribution of trial lists. St. 1896, 401. (See 1889, 459; 1896, 413.)

Provision made for agreements to postpone, etc., cases on the trial lists. St. 1884, 304; 1890, 154. (See 1889, 459; 1890, 420, 451.)

SECTs. 6-8. See St. 1891, 227. Provisions relative to new trials and reduction of verdicts. St. 1897, 472.

SECT. 8. Time for filing exceptions extended. Presiding justice may require a transcript of the evidence and instructions to the jury. St. 1895, 153; 1896, 451. (See 1888, 94.)

SECTs. 10, 13. Provisions for proving exceptions when the disability or death of the justice prevents his signing them. St. 1894, 412. (See 1882, 239.)

SECT. 12 repealed. St. 1895, 469 § 4. (See 1891, 362.)

SECT. 15. Clerks shall furnish to the attorney-general printed copies of

exceptions and reports in cases in which the Commonwealth is interested. St. 1890, 374. Or in which the attorney-general appears for the Commonwealth. St. 1895, 372.

SECT. 22. See St. 1896, 413.

SECT. 23. The original vouchers of bills must be delivered with the orders. St. 1890, 206. (See 1890, 204.)

SECTS. 24, 25. See St. 1882, 264 § 2; 1886, 223; 1896, 413; 1897, 525 § 3.

#### Chapter 154.—Of the Police, District and Municipal Courts.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396; 1894, 142, 173, 398, 431; 1895, 245; 1896, 220; 1897, 180, 245, 349, 431. (See 1882, 95; 1884, 188; 1885, 45, 132, 149, 322; 1887, 293; 1888, 180, 285, 352, 415; 1890, 225, 256, 359, 440 § 10; 1892, 148, 268; 1893, 385; 1897, 387, 529.)

Provision made for hearings before all the justices. St. 1894, 173; 1896, 220.

Payment of interpreters and of witnesses from without the Commonwealth allowed in criminal cases. St. 1893, 385.

SECTS. 1, 2. Police and district courts are established, as follows: First and second, of Barnstable; St. 1890, 177. Fourth, Berkshire; St. 1895, 176. Brockton; St. 1885, 155. Brookline; St. 1882, 233. East Boston, district; St. 1886, 15. Second, Essex; St. 1888, 193. Franklin; St. 1896, 353. Western Hampden; St. 1886, 190. Hampshire; St. 1882, 227. Marlborough; St. 1882, 233. Third and fourth, eastern Middlesex; St. 1882, 233. Southern Norfolk; St. 1891, 273. First, northern Worcester; St. 1884, 215.

SECT. 2. Courts abolished: East Boston, municipal; St. 1886, 15. Cambridge, police; St. 1882, 233. First, Plymouth; St. 1885, 155.

Judicial districts changed: Northern Berkshire; St. 1895, 176. Brockton; St. 1887, 322. East Boston; 1882, 146. (See 1886, 15.) Gloucester; 1888, 249; 1897, 403. First, eastern Middlesex; 1888, 59. Fourth, eastern Middlesex; 1888, 59; 1889, 312. First, southern Middlesex; 1882, 169. Central and second, eastern Worcester. St. 1896, 240; 1897, 401.

SECTS. 4, 25. See St. 1882, 43; 1885, 132; 1893, 396 § 63.

SECTS. 5, 6. Clerks given: First, Berkshire; St. 1895, 176. Southern Berkshire; St. 1886, 333. (See 1884, 231.) Brookline; 1888, 60. Chelsea; 1882, 176. Chicopee; 1891, 78. Eastern Hampden; 1896, 337. Hampshire; 1883, 80. Lowell (assistant); 1889, 152. Second, eastern Middlesex; 1883, 97. Third, eastern Middlesex (assistant); 1897, 260. (See 1893, 370.)

Clerical assistance allowed: Second, Bristol; St. 1889, 62. Third, Bristol; 1897, 263. Lowell; 1888, 246; 1889, 152. First, eastern Middlesex; 1889, 317. Springfield; 1896, 331. Central Worcester; 1895, 260.

Clerks and justices of courts having no clerks must deposit public moneys beyond what is required for immediate use. St. 1890, 215. (See 1890, 204.)

SECT. 8. See St. 1888, 352; 1893, 396 § 67.

SECTS. 11-22. See St. 1885, 149, 322; 1887, 293; 1888, 114; 1892, 188 § 5; 1893, 172 § 4, 396 §§ 34-43; 1894, 431; 1897, 180, 349, 431.

Jurisdiction given in naturalization proceedings. St. 1885, 345; 1886, 45, 203; 1891, 180, 419; 1892, 348.

SECT. 23. Sessions changed: Northern Berkshire; St. 1884, 266. Hampshire; St. 1883, 75; 1889, 122. (See 1882, 227; 1883, 80.) First eastern Middlesex; St. 1893, 350. Northern Worcester; 1888, 212.

SECTS. 23, 25. See St. 1884, 188; 1893, 396 § 56.

SECT. 24 extended. Certification and audit of expenses regulated. St. 1890, 440 § 11; 1891, 70. (See 1893, 396 § 9.)

SECT. 25. See St. 1892, 268; 1893, 396 § 55.

SECT. 26. Travelling expenses allowed to special justice in Hampshire. St. 1884, 205. (See 1885, 40.)

SECT. 27 *et seq.* See St. 1886, 13; 1888, 285, 415; 1890, 359; 1893, 396 §§ 46, 59, 64.

SECT. 30. Fac-simile of clerk's signature may be used on certain processes. St. 1886, 13. (See 1885, 321; 1893, 396 § 64.)

SECT. 34 in part repealed. St. 1890, 204.

SECTS. 34, 35. A controller of accounts is provided for, and method of accounting regulated. St. 1887, 438; 1888, 275; 1890, 204, 216, 380, 440; 1893, 257, 270; 1894, 183; 1895, 143; 1896, 128. (See 1886, 169.)

Funds not required for immediate use must be deposited. St. 1890, 215.

Apportionment of fines to informers in certain cases. St. 1891, 416. (See 1890, 440 § 5.)

SECT. 36. Payment of witness fees regulated. St. 1888, 180; 1890, 440 § 8; 1891, 392; 1893, 396 § 9. (See 1893, 385.)

SECT. 37. Fees and costs are regulated in certain cases. St. 1890, 256, 353, 440; 1891, 70, 325; 1892, 200. (See 1892, 231, 268; 1893, 385.)

SECT. 38. No court fees shall be allowed or taxed in criminal cases. St. 1890, 256. Bond to be examined annually by controller of county accounts. St. 1893, 257.

SECT. 39 *et seq.* Appeals regulated. St. 1893, 396 §§ 24-32. (See 1882, 95; 1890, 224, 440 § 10.)

SECT. 42 *et seq.* The justices may act for each other in certain cases. St. 1882, 43. (See 1885, 132.) May sentence or commit to house of industry instead of to house of correction or jail. St. 1895, 224.

St. 1893, 396, applies to these courts, except the municipal court. St. 1894, 431. (See 1894, 142, 173, 398.)

The municipal court of East Boston is abolished, and East Boston district court established. St. 1886, 15. (See 1882, 146.)

Clerks and clerical assistance provided for: East Boston; St. 1886, 15. South Boston; 1887, 327. Brighton; 1894, 363. Charlestown; 1889, 206. Dorchester; 1885, 79; 1897, 397. West Roxbury; 1887, 274.

SECT. 55. Number of justices increased. St. 1882, 41; 1888, 419 § 11; 1894, 308; 1896, 234.

SECT. 57. Two special justices. St. 1896, 234. Compensation increased. St. 1897, 360.

SECT. 58. Assistant clerks and clerical assistance provided for. St. 1888, 47; 1885, 42 § 2, 137 § 2; 1888, 419 § 13; 1889, 170; 1893, 371; 1895, 125; 1897, 183.

SECTS. 59, 60. Jurisdiction extended. St. 1894, 431 § 2.

Probation officers provided for. St. 1891, 356; 1892, 242; 1894, 368, 372; 1897, 266. (See 1892, 276.)

SECT. 62. Additional sessions by special justices provided for. St. 1885, 42 § 1. When he acts he must state in the record the fact which gives him jurisdiction. St. 1892, 268.

SECT. 63 revised. St. 1895, 457.

SECT. 64. Salaries of justices fixed: First and second Barnstable; St. 1890, 177. Central Berkshire; 1887, 190. Northern Berkshire; 1887, 61. (See 1884, 266 § 3.) Southern Berkshire; 1884, 231. Boston; 1887, 163. (See 1882, 41 § 2.) East Boston; 1892, 100. (See 1886, 15.) South Boston; 1889, 242. Brighton; 1885, 49. First Bristol; 1889, 261. (See 1884, 220.) Second Bristol; 1891, 108. Third Bristol; 1889, 54. Brockton; 1885, 155. Brookline; 1884, 211. (See 1882, 233 § 6.) Charlestown; 1891, 160. (See 1889, 227.) Chelsea; 1894, 470. Dorchester; 1885, 79. First Essex; 1882, 245. Second Essex; 1888, 193. Fitchburg; 1889, 97. Franklin; 1896, 353. (See 1882, 245.) Gloucester; 1897, 324. (See 1888, 234.) Eastern Hampden; 1889, 130. Western Hampden; 1886, 190. Hampshire; 1883, 75. (See 1882, 227; 1883, 80; 1884, 205.) Haverhill; 1882, 245. Holyoke; 1886, 151. Lawrence; 1893, 479. (See 1888, 110.) Lee; 1894, 373. Lowell; 1893, 479. (See 1886, 307.) Lynn; 1891, 162. (See 1886, 154.) Marlborough; 1892, 93. (See 1882, 233.) Central Middlesex; 1890, 238. First eastern Middlesex; 1893, 479. (See 1882, 245; 1886, 166.) Second eastern Middlesex; 1897, 390. (See 1882, 245; 1886, 123.) Third eastern Middlesex; 1882, 233. Fourth eastern Middlesex; 1897, 358. (See 1882, 233; 1893, 479.) First northern Middlesex; 1889, 198. First southern Middlesex; 1889, 12. Newburyport; 1882, 245. Newton; 1893, 479. (See 1890, 93.) East Norfolk; 1889, 263. Southern Norfolk; 1891, 273. Third Plymouth; 1894, 321. Fourth Plymouth; 1889, 281. Roxbury; 1897, 356. (See 1889, 217.) West Roxbury; 1883, 111. Somerville; 1897, 318. (See 1882, 245; 1887, 180; 1891, 161.) Springfield; 1897, 359. (See 1887, 171.) Williamstown; 1897, 325. Central Worcester; 1888, 50. First eastern Worcester; 1884, 208. Second eastern Worcester; 1889, 158. (See 1882, 245.) First northern Worcester; 1893, 479. (See 1884, 215 § 4.) First southern Worcester; 1890, 131. Second southern Worcester; 1888, 173. Third southern Worcester; 1882, 245.

Salaries of clerks fixed: Central Berkshire; 1893, 479. (See 1882, 245.) Northern Berkshire; 1888, 89. (See 1887, 61.) Southern Berkshire; 1897, 322. (See 1884, 231; 1886, 333 § 4; 1887, 227; 1894, 374.) Boston, civil; 1882, 245. First assistant; 1889, 39. Second assistant; 1889, 143. Third assistant; 1892, 58. (See 1889, 170.) Fourth assistant; 1897, 183. Criminal clerk and assistant; 1893, 479. (See 1882, 245; 1885, 157.) East Boston; 1886, 15. (See 1882, 245.) South Boston; 1882, 245. Assistant; 1894, 379. (See 1887, 327.)

Brighton; 1894, 363. First Bristol; 1889, 261. Second Bristol; see 1889, 62. Third Bristol; 1893, 479. (See 1889, 41.) Brockton; 1895, 500. (See 1885, 155.) Brookline; 1888, 60. Charlestown; 1887, 173. (See 1889, 206.) Chelsea; 1894, 470. (See 1882, 176; 1884, 197; 1887, 117.) Chicopee; 1891, 78. Dorchester; 1893, 479. (See 1885, 79; 1886, 124; 1897, 397. First Essex; 1882, 245. Fitchburg; 1891, 71. (See 1882, 245; 1889, 289.) Franklin; 1896, 353. Gloucester; 1888, 235. (See 1883, 53.) Eastern Hampden; 1896, 337. Western Hampden; 1893, 479. (See 1886, 190; 1888, 88.) Hampshire; 1893, 479. (See 1883, 80; 1886, 106.) Haverhill; 1888, 55. (See 1882, 245.) Holyoke; 1887, 318. (See 1884, 65.) Lawrence; 1893, 479. (See 1887, 208.) Lowell; 1893, 479. (See 1886, 307.) Assistant; 1889, 152. (See 1882, 63; 1888, 246.) Lynn; 1893, 479. Marlborough; 1892, 93. (See 1882, 233; 1889, 19.) First eastern Middlesex; 1897, 422. (See 1882, 87, 245; 1886, 167; 1893, 479.) Assistant; 1894, 65. (See 1889, 317.) Second eastern Middlesex; 1894, 336. (See 1883, 97; 1885, 180; 1888, 233; 1891, 107.) Third eastern Middlesex; 1886, 165. (See 1882, 233; 1893, 370.) Assistant; 1897, 260. Fourth eastern Middlesex; 1893, 479. (See 1882, 233; 1887, 174.) First northern Middlesex; 1888, 214. First southern Middlesex; 1886, 156. Newburyport; 1889, 277. (See 1882, 245.) Newton; 1893, 479. (See 1886, 158.) East Norfolk; 1893, 479. (See 1888, 54.) Southern Norfolk; 1891, 273. First Plymouth; 1883, 57. (See 1885, 155.) Third Plymouth; 1889, 137. Fourth Plymouth; 1891, 190. (See 1884, 204.) Roxbury, clerk; 1893, 479. Assistant; 1889, 239. (See 1882, 245.) Somerville; 1887, 265. (See 1882, 245.) Springfield; 1889, 28. (See 1886, 155.) West Roxbury; 1893, 479. (See 1887, 274; 1889, 92.) Central Worcester; 1889, 83. Assistant; 1893, 479. (See 1882, 245; 1888, 184; 1895, 260.) Second eastern Worcester; 1889, 218. (See 1882, 245.) First northern Worcester; 1885, 286. (See 1884, 215 § 4.)

Compensation of special justices and *pro tempore* clerks regulated. St. 1893, 396 §§ 66, 67; 1894, 142, 173 § 2; 1895, 245. (See 1888, 352.)

Salaries of constables in attendance fixed: Boston, civil; St. 1886, 130. Criminal; 1888, 195. (See 1886, 130; 1895, 457.) Brighton; 1886, 148. Charlestown; 1886, 136. East Boston and South Boston; 1882, 245. Roxbury; 1889, 174. West Roxbury; 1886, 148.

#### Chapter 155. — Of Justices of the Peace and Trial Justices.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396; 1894, 398; 1897, 180, 245, 349, 387, 431.

Women who are appointed special commissioners shall have same powers as justices of the peace in certain cases. St. 1889, 197; 1896, 476. (See 1882, 139; 1883, 252.)

SECT. 3. Justices may summon witnesses in civil cases. St. 1885, 141. (See 1884, 247.)

SECT. 4. Power of justices to issue warrants modified. St. 1884, 286; 1897, 461. (See 1884, 191.)

SECT. 10. In Dukes county three trial justices. St. 1892, 408.



SECT. 12 *et seq.* Execution may run into any country. St. 1895, 380.

SECT. 17 *et seq.* No original writ shall be returnable more than sixty days from date. St. 1892, 148; 1893, 396 § 17.

Provision is made for preservation of records, etc., of trial justices. St. 1888, 211.

SECT. 21. In case of failure to attend an adjourned hearing another justice may act in certain cases. St. 1883, 175. (See 1890, 202.)

SECTS. 24-26. Bond required instead of recognizance before removal. St. 1888, 325. These sections shall not apply to actions before district and police courts. St. 1893, 396 § 21.

SECT. 28. Appeal is to be entered at next return day. St. 1885, 384 § 5.

SECT. 29 *et seq.* No bond, recognizance or deposit required in a replevin suit. St. 1890, 224. (See 1882, 95; 1893, 396 § 29.) Nor on an appeal by a county or a municipal corporation. St. 1896, 355.

SECTS. 37, 38. See St. 1890, 202.

SECTS. 40, 41. See St. 1888, 211.

SECT. 42. See St. 1895, 380.

SECT. 43 *et seq.* Jurisdiction of trial justices extended. St. 1885, 149, 356; 1892, 160, 188 § 5; 1893, 172 § 4. (See 1893, 414; 1894, 505.)

Form of warrants for commitment for non-payment of fines modified. St. 1891, 416.

SECT. 44. See St. 1893, 396 § 46.

SECT. 49. Commitments of children under twelve restricted. St. 1882, 127.

Costs regulated in certain cases. St. 1889, 469. (See 1893, 385.)

SECT. 59. See St. 1893, 385.

SECT. 62. See St. 1894, 505.

SECTS. 63, 65. Appellant must pay the jailer's fees in certain cases. St. 1890, 328.

SECTS. 67 *et seq.*, 74, 75. Provision made for completion of unfinished business before trial justices. St. 1890, 202. (See 1883, 175.)

SECT. 68. Commitments for contempt may be to any jail. St. 1886, 224.

SECTS. 69, 77 *et seq.* Provision made for uniform dockets and blanks except in certain cases. St. 1888, 285. (See 1893, 396 § 59.)

SECT. 76. Bond to be examined annually by controller of county accounts. St. 1893, 257.

SECT. 78 repealed. Payments and accounting regulated. St. 1887, 438; 1890, 204, 215, 216, 440; 1891, 70, 325, 416; 1893, 270, 385. (See 1886, 169; 1888, 275.)

#### Chapter 156.—Of Probate Courts.

Uniform rules of practice and blanks are provided for. St. 1893, 372. (See 1890, 420 § 2. Res. 1893, 23.)

Form of accounts regulated. St. 1895, 210.

Judges may act for or assist each other. St. 1892, 337. 1894, 377. (See 1896, 316.) An additional judge is provided for in Suffolk. St. 1893, 379. And in Middlesex. St. 1894, 527.

Probate courts may appoint auditors to examine accounts. St. 1886, 311.

Any act or proceeding within the power of the court in the first instance may be confirmed. St. 1888, 420.

The probate of a will, or a determination of intestacy, is made conclusive in certain cases after two years. St. 1889, 435.

Disposition of certain moneys unclaimed or not payable regulated. St. 1885, 376; 1889, 185, 449 § 2; 1890, 408. (See 1893, 379.)

Attorneys may appear in probate proceedings, and process and notices may be served on them as if upon the parties. St. 1890, 420 § 1.

SECT. 2. Jurisdiction extended. St. 1887, 332 § 2; 1891, 415, 435 § 14; 1892, 116; 1894, 164, 536; 1897, 135, 136. (See 1891, 358; 1894, 128, 203, 303, 401; 1896, 210, 456; 1897, 147.)

SECTS. 5-11. Appeals in certain cases regulated. St. 1887, 332 § 3; 1888, 290; 1890, 261 § 3; 1891, 415 § 3; 1895, 116. (See 1897, 135.)

SECTS. 7, 8 amended. St. 1888, 290.

SECTS. 9, 13 amended. The superior court is to act in certain cases. St. 1890, 261. (See 1891, 415.)

SECT. 22. See St. 1890, 420; 1893, 372. Provision for a constable to attend the court in Suffolk. St. 1884, 140; 1894, 66. (See 1887, 156.) And in Middlesex. St. 1895, 246 § 1.

SECTS. 27, 28. Provision for rearranging worn records and dockets. St. 1891, 225.

SECT. 32. See St. 1885, 376; 1889, 185; 1890, 408; 1893, 379.

SECT. 35. Expenses may also be awarded. St. 1884, 131. (See 1884, 291.)

SECT. 44. Limit of expense changed. St. 1893, 422. (See 1884, 118; 1887, 217.)

SECT. 45. See St. 1886, 224.

SECT. 48. Provision made for cases of holidays. St. 1884, 141.

Courts shall always be open for matters in equity, hearings, contempt proceedings and for making orders and decrees in such matters, except on legal holidays. St. 1895, 215.

Changes in sessions: Barnstable; St. 1893, 343. Franklin; 1887, 46. Hampden; 1884, 294. Hampshire; 1886, 145. Middlesex; 1889, 182. Plymouth; 1887, 63; 1889, 269. (See 1889, 237.) Suffolk; 1892, 202. (See 1893, 379.) Worcester; 1893, 348.

### Chapter 157.—Of Courts of Insolvency.

Petition may be brought in county where debtor had a usual place of business. St. 1893, 405.

Attorneys may appear and be served with notices and process. St. 1890, 420 § 1.

Court may direct the messenger or assignee to carry on the business of the debtor. St. 1897, 120.

Jurisdiction in equity given in insolvency cases. St. 1894, 164.

Uniform rules of practice provided for. St. 1893, 372.

Two judges in Suffolk. St. 1893, 379. And in Middlesex. St. 1894, 527.

Composition with creditors provided for and regulated. St. 1884, 236; 1885, 353; 1889, 406; 1890, 387; 1895, 394 § 4; 1897, 303. (See 1883, 242; 1886, 322; 1888, 405.)

Provision made for special judgments against insolvent debtors whose property is under attachment or brought within the control of the court. St. 1885, 59; 1892, 209. And where bond to dissolve attachment or prosecute review is given, and debtor discharged in composition proceedings. St. 1888, 405; 1895, 234 § 4. Sureties on bond to dissolve attachment of property of an insolvent debtor are released by the discharge of the debtor in insolvency. St. 1889, 470.

Voluntary assignments are authorized and proceedings regulated. St. 1887, 340; 1897, 326.

Certain claims are to be preferred in settlements by receivers. St. 1897, 400.

SECT. 3. Courts shall always be open for certain purposes except on legal holidays. St. 1895, 215.

SECT. 5. Commitments for contempt may be made to any jail. St. 1886, 224.

SECT. 15. See St. 1894, 164.

SECT. 16. See St. 1893, 405 § 1.

SECTS. 19, 93. Accidental delay or omission to file schedules not to defeat discharge. St. 1886, 290. Nor failure to keep proper books in certain cases. St. 1894, 496.

SECT. 26. Equitable liabilities may be proved. St. 1884, 293. See St. 1897, 402, 427.

SECTS. 36-38. See St. 1889, 420.

SECTS. 36, 91. Appeal is to be entered on next return day. St. 1885, 384 § 5.

SECT. 40. Non-resident assignees must appoint a resident agent. St. 1889, 313; 1893, 118. (See 1890, 420.)

SECT. 46. Voluntary assignments are valid against an assignee in insolvency, subsequently appointed, in certain cases. St. 1887, 340.

A mortgage, if recorded more than four months after its date, is not good against assignee in certain cases. St. 1888, 393.

SECT. 48 *et seq.* See St. 1897, 120.

SECTS. 64-66. Provision made for case of death of assignee after disposal of property and before settlement of accounts. St. 1891, 400.

SECT. 70. Fees of witnesses regulated. St. 1890, 277.

SECT. 84. No claim against a pledgee, created by an unauthorized sale of the collateral security, shall be discharged. St. 1885, 353 § 6. (See 1884, 236 § 9; 1897, 427.)

SECT. 93 amended by omitting the clause making the giving of preferences an objection to a discharge. St. 1886, 322. (See 1886, 290; 1894, 496.)

SECT. 96 *et seq.* A pledge or payment of a reasonable sum for legal services may be allowed. St. 1889, 420. (See 1897, 119.)

SECT. 99. If the debtor does not apply, the court may make an allowance to his wife or minor children. St. 1888, 67.

SECT. 102. Accounts must be sworn to. St. 1884, 126.

SECT. 103. Provision made for disposition of unclaimed dividends. St. 1883, 242; 1897, 303.

SECT. 104. Counsel fees may be allowed as a preferred claim. St. 1897, 119. (And see St. 1897, 400.)

SECT. 106 *et seq.* Provision for suit for dividend on unproved claims. St. 1897, 427.

SECT. 112 is revised. St. 1895, 209. (See 1890, 431; 1893, 405 § 2; 1894, 261.)

SECT. 115 is revised. St. 1894, 139.

SECT. 116 amended. St. 1893, 405 § 3.

SECT. 120 repealed and a substitute passed. St. 1894, 30. (See 1893, 405 § 4.)

SECTS. 127-130, 136. Provision made for insolvency proceedings by and against certain foreign corporations. St. 1890, 321.

SECT. 136 amended. St. 1897, 124.

SECTS. 137, 138 are repealed and fees established. St. 1895, 394. (See 1885, 353 § 4; 1889, 417; 1892, 359.)

SECT. 139 amended. Provable costs, expenses, etc., limited. St. 1892, 359. (See 1895, 394.)

SECT. 143. The registers shall make the returns. St. 1897, 89.

#### Chapter 158.—Of Judges and Registers of Probate.

Judges may act for or assist each other. St. 1892, 337; 1894, 377. Two judges in Suffolk. St. 1893, 379. And in Middlesex. St. 1894, 527.

Register's accounts regulated. St. 1894, 183. (See 1887, 438; 1888, 275; 1890, 216, 306; 1898, 270.)

SECTS. 6-8. See St. 1897, 89.

SECT. 8. Registers shall send to the State treasurer copy of inventory of estates subject to a collateral succession tax. St. 1891, 425 § 10.

SECT. 10. Powers of registers enlarged. St. 1894, 199; 1897, 89, 147.

SECT. 23. Salaries of judges in all the counties fixed. St. 1893, 469. (See as to Barnstable; St. 1887, 166. Berkshire; 1884, 192. Bristol; 1885, 165; 1889, 211. Dukes; 1885, 318. Essex; 1883, 244; 1888, 112. Middlesex; 1882, 129; 1886, 184; 1889, 251. Nantucket; 1890, 115. Norfolk; 1887, 72. Plymouth; 1886, 183. Suffolk; 1885, 203; 1893, 379. Worcester; 1885, 275.) Subsequent changes: Hampden; 1894, 352. Middlesex, Junior; 1897, 383. (See 1894, 527.)

Salaries of registers and assistant registers fixed. St. 1893, 469. (See as to Berkshire; St. 1884, 192. Essex; 1887, 273. Franklin, assistant: 1893, 151. Hampden; 1884, 248. Middlesex; 1887, 259; 1891, 318. Suffolk; 1882, 144; 1891, 91. Worcester; 1888, 152.)

SECTS. 23, 24. Allowance made for clerical assistance: Bristol; St. 1889, 136. Essex; 1886, 114; 1895, 174. Hampden; 1896, 219. Middlesex; 1890, 192; 1893, 344; 1895, 459. Plymouth; 1894, 322. Suffolk; 1885, 205; 1888, 280; 1889, 418; 1892, 230; 1893, 431; 1895, 364; 1897, 317. Worcester; 1887, 39; 1889, 209; 1894, 259. And for travelling expenses in certain cases. St. 1896, 316.

SECT. 24. Shall not apply to Suffolk. St. 1885, 205 § 2. Or to Franklin. St. 1893, 151 § 2.

**Chapter 159.—Of Clerks, Attorneys and Other Officers of Judicial Courts.**

SECTS. 2, 5, 31. Clerical assistance provided for. St. 1893, 327; 1894, 136.

SECT. 3. Clerk shall forward to attorney-general copies of exceptions and reports in cases in which he appears for the Commonwealth. St. 1890, 374; 1895, 372. (See 1896, 413.)

SECT. 4. Fac-simile of clerk's signature may be used on all processes except executions. St. 1886, 13.

SECT. 5. Clerk must deposit moneys not immediately needed. St. 1890, 215.

SECT. 6. When clerk is absent, county commissioners shall appoint one of their number clerk *pro tempore*, who shall be sworn. St. 1890, 198. In counties where there is no assistant clerk of courts, they may appoint a clerk *pro tem.* who may be a woman. St. 1896, 384.

SECTS. 8, 9, 31. Assistants given: Essex; St. 1889, 444. Hampden; St. 1897, 220. Middlesex; (2d) 1889, 11; (3d) 1896, 218. Suffolk; 1888, 153 (3d); 1889, 50 (4th); 1892, 87 (5th); 1895, 251 (equity); 1895, 393, 480 (6th); 1897, 334 (7th). (See 1896, 413.) Signatures of assistants regulated. St. 1889, 215; 1895, 251.

SECT. 13. Return of oath required. St. 1894, 228.

SECT. 14. Bonds to be examined annually by controller of county accounts. St. 1893, 257.

SECT. 17. See St. 1882, 264 § 2.

SECTS. 27, 28. Accounting for fees, etc., regulated. St. 1887, 291, 438; 1888, 257; 1890, 209, 215, 216; 1891, 87, 236. (See 1890, 360.)

Clerks must deposit public funds beyond what are required for immediate use. St. 1890, 215. Certain unclaimed funds are to be paid to the treasurer of the Commonwealth. St. 1890, 330.

SECTS. 29, 31. Salaries changed: Clerks: Supreme judicial court, Suffolk; St. 1887, 291. Superior court, Barnstable; 1892, 95. Dukes; 1887, 112. Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk and Worcester; 1888, 257. Assistant clerks: Hampden; St. 1897, 220. Middlesex (1st and 2d) 1892, 187; (3d) 1896, 218. Suffolk; 1885, 250; 1893, 153, 190. Worcester; 1891, 92. (See 1889, 11; 1890, 201; 1895, 251, 393, 480.)

SECT. 34 is repealed and provision made for a State board of bar examiners. St. 1897, 508. Women may be admitted to practise. St. 1882, 139. (See 1883, 252; 1889, 197; 1896, 476.)

The fee for admission to the bar is fixed. St. 1888, 257 § 5.

SECTS. 34, 39. Disbarred attorneys who continue to practise, and persons falsely representing themselves to be attorneys, are subject to a penalty. St. 1891, 418.

SECT. 44. Word "suit" applies to any proceeding before any court. St. 1884, 170.

SECTS. 47, 48. Masters, assessors and referees, and arbitrators under chapter 188, upon whose awards judgment is entered, are to be paid by the county. St. 1883, 216; 1886, 51; 1887, 289.

They are to have no fees unless report is filed within ninety days. St. 1888, 282.

SECT. 51. The fee for a rule to an auditor is fixed at one dollar. St. 1888, 257 § 5.

The probate court may appoint auditors in certain cases. St. 1889, 311.

SECTS. 56-63. Publication of reports regulated. St. 1889, 471. Reporter's salary fixed, and allowance made for clerk hire and incidental expenses. St. 1892, 380. (See 1889, 471 § 4.)

SECT. 64 *et seq.* Number of officers in attendance regulated, their duties defined and compensation fixed, in Suffolk: Supreme judicial court; St. 1882, 232; 1886, 37; 1887, 243; 1890, 294. Superior court; St. 1886, 37; 1888, 357. (See 1882, 245 § 3; 1883, 54.) Middlesex supreme judicial and superior courts. St. 1892, 107; 1895, 246, 369; 1897, 342.

And in probate and insolvency courts. St. 1884, 140; 1887, 156, 243; 1895, 246.

Uniforms required in certain cases. St. 1888, 371; 1891, 181; 1892, 107 § 5; 1895, 246 § 3.

SECTS. 72, 75 are revised. Provisions for appointment and compensation of stenographers. St. 1885, 291; 1887, 74; 1892, 133; 1893, 404, 452; 1894, 68, 330, 424; 1896, 459; 1897, 478. (See 1887, 24; 1889, 324; 1895, 153 § 2.)

#### **Chapter 160.—Special Provisions respecting Courts and the Administration of Justice.**

SECT. 40. When Christmas falls on Sunday the courts are not open on the following day. St. 1882, 49. The first Monday of September is "Labor's holiday." St. 1887, 263. Fast day abolished and April 19 made a holiday. St. 1894, 130; 1896, 162. (See 1888, 254.)

SECT. 5. See St. 1896, 247.

SECTS. 8-10. The laws as to naturalization are revised; jurisdiction is given to the lower courts. St. 1885, 345; 1886, 45, 203; 1887, 36, 329; 1891, 180, 419; 1892, 348. (See 1884, 298 § 38; 1888, 257 § 4; 1893, 376, 417 § 237.)

SECT. 9 is repealed; primary declarations may be made at any time. St. 1886, 45; 1891, 180.

#### **Chapter 161.—Of the Commencement of Actions and the Service of Process.**

The assignee of a non-negotiable chose in action may sue in his own name. St. 1897, 402.

The laws relating to district and police courts are revised and consolidated. St. 1893, 396.

Two or more persons may join in suit against same defendant to recover not exceeding twenty dollars due to each for manual labor. St. 1896, 444.

SECT. 1 applies to equity suits. St. 1883, 223 § 13.

SECTS. 1-12. The supreme judicial and superior courts may change the venue in certain cases. St. 1887, 347.

SECT. 10. The motion may be filed within thirty days after the day for appearance. St. 1885, 384 § 14. (See 1892, 169.)

SECT. 13 *et seq.* All civil actions, at law or in equity (except replevin), in the supreme judicial and superior courts, may be commenced in either form. St. 1887, 383.

Fac-simile of clerk's signature may be used on certain processes. St. 1886, 18. (See 1885, 321.)

SECTS. 23, 27. Terms are abolished and writs are returnable on first Monday of each month. St. 1885, 384. No original writ issued by a trial justice, or district, police or municipal court, shall be returnable more than sixty days from date. St. 1892, 148; 1893, 396 § 17.

SECTS. 32, 34, 36. See St. 1884, 330; 1886, 230; 1889, 393; 1890, 321.

SECTS. 38-60. The right to attach the property of newspaper offices is limited. St. 1890, 377. (See 1897, 404.)

SECT. 41 extended to arrest of the person. St. 1896, 247.

SECT. 62. All attachments must be deposited in the registry of deeds. St. 1889, 401. (See 1892, 289.)

SECT. 84. Justices of the supreme judicial or superior court may order clerk to issue process in cases pending in another county. St. 1886, 223; 1896, 413. (See 1885, 384 § 3.)

SECT. 121. Attachment may be discharged. St. 1897, 460.

SECT. 122. A fidelity insurance company may be the only surety. St. 1894, 522 § 61. (See 1884, 296 § 3; 1887, 214 § 61.)

SECT. 122 *et seq.* Bonds must contain a provision for special judgments under St. 1888, 405. (See 1885, 59.) The sureties are released by principal's discharge in insolvency proceedings begun within four months. St. 1889, 470. Office of commissioner of insolvency abolished. St. 1895, 100. Provision for dissolution of attachment by deposit of money. St. 1897, 404.

SECT. 127. See St. 1892, 359.

### Chapter 162. — Of Arrest, Imprisonment, and Discharge.

A person under arrest by a constable on mesne process or execution may be further arrested by deputy sheriff on a writ or execution which a constable is not authorized to serve. St. 1896, 247.

SECT. 1. Office of commissioner of insolvency abolished. St. 1895, 100.

SECTS. 3-15. Provisions relative to female poor debtors. St. 1897, 466.

SECTS. 17, 18, 20, 25, 27, 28, 33, 34, 54 are amended. Poor debtor proceedings are regulated. St. 1888, 419; 1889, 415; 1890, 128; 1891, 271, 313, 407; 1893, 62; 1897, 382, 466. (See 1887, 442; 1894, 184; 1895, 308.)

The place of proceedings is fixed. St. 1894, 184.

SECTS. 17, 18. Notice of examination must be given under either of the charges in section 17. St. 1887, 442. Affidavit may be made at any time before the certificate is issued. St. 1891, 407.

SECTS. 32, 34. A debtor shall not suffer default by reason of the absence or disability of the magistrate, if a new notice is issued within three days. St. 1887, 442 §§ 3, 4.

SECT. 36. If recognizance is not satisfactory debtor may be imprisoned. St. 1889, 415 § 4.

SECT. 68. The fees are changed, and the mode of their recovery. They are to be accounted for. St. 1888, 419 § 13; 1889, 415 §§ 6, 7; 1891, 313; 1893, 62.

#### Chapter 163. — Of Bail.

SECT. 4. Office of commissioner of insolvency abolished. St. 1895, 100.

SECT. 12 is amended. The bail is discharged on paying costs, if the principal dies. St. 1884, 260.

#### Chapter 164. — Of Proceedings Against Absent Defendants, and upon Insufficient Service.

Provision made for service on foreign corporations. St. 1884, 330. (See 1886, 230; 1889, 393; 1890, 321.)

SECT. 6. Notice must be given within one year to a non-resident of attachment of his real estate. St. 1884, 268. (See 1892, 289.) Personal service may be ordered in certain cases. St. 1894, 384.

SECT. 7 amended as to time for appearance. St. 1885, 384 § 8.

#### Chapter 166. — Of Actions by and against Executors and Administrators.

In actions against estate of a deceased person supported by oral testimony of a promise or statement made by the deceased, evidence of his statements, memoranda, acts and habits tending to disprove the statement is admissible. St. 1896, 445.

#### Chapter 167. — Of Pleading and Practice.

Court terms are abolished, return days changed and practice regulated. St. 1883, 223; 1884, 304, 316; 1885, 384; 1887, 332, 380, 383; 1890, 154, 374, 398, 451; 1891, 227, 362; 1892, 440; 1893, 61; 1897, 472.

Where there are two or more shire towns, court may designate the shire town at which an action shall be tried. St. 1882, 264 § 2.

An act to facilitate collection of small debts for manual work or labor. St. 1896, 444.

All civil actions at law or in equity (except replevin) in supreme judicial or superior court may be begun by bill or petition, or by writ with bill or petition inserted, and relief given as the case requires. St. 1887, 383.

An act relative to actions upon assigned claims. St. 1897, 402.

Provisions in regard to new trials and reduction of verdicts. St. 1897, 472.

Claimants of funds in defendant's hands may be summoned in and the parties required to interplead. St. 1886, 281. (See 1883, 62; 1883, 345.)

SECTS. 2-10. A form for declaring for recovery of interest is established. St. 1890, 398.

SECT. 8. If copy is not furnished, the action may be discontinued on motion. St. 1894, 405.

SECT. 9 amended. On failure to file a declaration the action may be dismissed on motion. St. 1885 384 § 6.



SECTS. 9, 11-20, 24-29, 40, 41 and 81 apply to actions in district and police courts. St. 1893, 396 § 23.

SECT. 11. Demurrers in equity regulated. St. 1888, 223 § 10. (See 1887, 383 § 2.)

SECT. 13 *et seq.* Any matter which in equity would entitle the defendant to be absolutely relieved from plaintiff's claim may be alleged. St. 1883, 223 § 14; 1887, 383.

SECT. 43. The superior court retains jurisdiction although the action be changed to equity. St. 1883, 223 § 17; 1887, 383 § 3.

SECTS. 46, 47 are repealed, and new provisions made as to defaults. St. 1885, 384 §§ 7-11.

SECT. 48. Provision for speedy trial in certain cases. St. 1894, 283, 547; 1897, 381.

SECTS. 64, 67 *et seq.* Provision made for postponement, etc., of cases on trial list. St. 1884, 304; 1890, 154. (See 1890, 451.)

The superior court may regulate publication and distribution of trial lists. St. 1896, 401. (See 1889, 459.)

An attorney when actually engaged in the trial of a cause in the supreme judicial or superior court is not obliged to proceed to trial of another cause, unless the court deems it just and reasonable. St. 1890, 451.

SECT. 65. See St. 1893, 396 § 20.

SECT. 69. Time for filing claim for jury trial extended. St. 1894, 357.

SECT. 70. See St. 1882, 239; 1894, 412.

SECT. 77. See St. 1894, 424 § 9.

SECT. 80. Retraction of libel may be proved in mitigation of damages. St. 1897, 525. (See 1895, 441.)

SECT. 89. See St. 1893, 396 § 23.

SECT. 90. District court of Hampshire is added. St. 1891, 139.

Police courts may order defendant to answer. St. 1886, 64.

#### Chapter 168.—Of Set-off and Tender.

SECT. 8 not to apply to proceedings by savings banks against depositors therein. St. 1894, 317 § 32.

#### Chapter 169.—Of Witnesses and Evidence.

Treatment of witnesses in custody regulated. St. 1894, 160, 270. Compensation allowed for detention in jail. St. 1894, 406. (See 1892, 361.)

SECT. 1 is revised and right to issue summonses extended. St. 1885, 141; 1889, 197. (See 1884, 247.)

SECT. 5. See St. 1886, 224.

SECTS. 7, 8 extended to boards of police commissioners. St. 1882, 267.

Justices of supreme judicial or superior court may compel attendance of witnesses before tribunals having power to summon, but not to compel attendance. St. 1883, 195.

SECT. 18. See St. 1896, 445.

SECTS. 28, 41. Where the adverse party does not appear, no notice of taking deposition or exhibition of interrogatories is required. St. 1883, 188.

SECT. 54 is amended. Notice to non-resident parties is provided for. St. 1882, 140.

SECTS. 69, 70. Attested copies of rules of boards of aldermen, ordinances of cities, by-laws of towns and records of cities and towns are admitted. St. 1889, 387. And sworn copies of records, books and accounts of savings banks. St. 1885, 92. Verified copies from authorized stenographic notes may be received in evidence of testimony previously given in superior court. St. 1894, 424 § 9; 1896, 459 § 7. (See 1895, 153; 1896, 451.)

#### Chapter 170. — Of Juries.

A uniform system of preparing jury list and empanelling juries is established. St. 1897, 516.

SECT. 2. Assistant clerks and all regularly appointed court officers are exempted. St. 1896, 427.

SECT. 6. County of Nantucket added. St. 1891, 131.

SECT. 7. Publication of lists of jurors provided for. St. 1894, 514 § 3.

SECT. 10. Venires for jurors for the supreme judicial court in Barnstable regulated. St. 1889, 173.

SECT. 17. Drawing jurors in cities regulated. St. 1894, 514. (See 1897, 516 § 7.)

SECTS. 23-32 are repealed. St. 1897, 516 § 10. (See 1888, 123.)

SECT. 35. Jurors may be examined by parties or their attorneys, under direction of the court. St. 1887, 149.

SECTS. 36, 37. See St. 1895, 120.

#### Chapter 171. — Of Judgment and Execution.

Judgments, orders and decrees must bear date of entry. St. 1885, 384 § 13.

No judgment or decree affecting title to real estate shall be valid against third parties without notice, unless recorded. St. 1892, 289. (See 1889, 401.)

SECTS. 1, 17-24. Provision for special judgments against insolvents whose property is attached, or under control of a court of equity on a creditor's bill or otherwise. St. 1885, 59; 1892, 209. And where bond is given to dissolve attachment or prosecute review, and defendant is discharged in composition proceedings. St. 1888, 405. (See 1884, 236; 1886, 353; 1895, 234.)

SECT. 34. Certain funds of charitable and relief societies are exempted. St. 1886, 125 § 2; 1890, 181, 421 § 23. Also military equipments. St. 1893, 367 § 71. (See 1885, 183 § 11; 1887, 214 § 73, 411 § 71.)

SECT. 39. When a sale has been enjoined court may order adjournments until further order. St. 1884, 175.

SECTS. 52, 53. Provision made for record of seizure in cases where the levy is suspended on account of a prior attachment. St. 1887, 407.

SECT. 54. In case of sickness or absence of the officer another may be delegated. St. 1885, 125.

**Chapter 172. — Of the Levy of Execution on Real Estate.**

SECT. 22. Execution and certificate must be recorded in clerk's office. St. 1895, 437.

SECT. 30. Enjoined sales may be adjourned by the court granting the injunction. St. 1884, 175.

SECTS. 32, 49. Right of redemption extended to lands set off. St. 1886, 86.

SECT. 45. Levy shall be considered as made at the time when the land is taken. St. 1896, 464.

**Chapter 173. — Of the Writ of Entry.**

The supreme judicial court no longer has original jurisdiction of writs of entry. St. 1892, 169.

SECT. 2. Notwithstanding disseizin or adverse possession a conveyance of real estate otherwise valid vests in the grantee the rights of entry and of action for recovery. St. 1891, 354.

**Chapter 175. — Of the Summary Process for the Recovery of Land.**

SECT. 1. See St. 1891, 354.

SECT. 2 *et seq.* See St. 1893, 396 §§ 12, 13, 25, 29, 423 § 27.

SECTS. 6, 7, 8. A bond instead of a recognizance is to be given. St. 1888, 325.

**Chapter 176. — Of Petitions for the Settlement of Title.**

This chapter is repealed and a substitute enacted. St. 1893, 340.

Provision made for barring action on an undischarged mortgage after possession by the mortgagor for twenty years without act of recognition. St. 1882, 237; 1885, 283; 1890, 427 § 1. (See 1889, 442.)

Provision made for determining the validity, nature and extent of conditions, restrictions, reservations, stipulations, etc., more than thirty years old, appearing of record. St. 1889, 442; 1890, 427 § 2; 1897, 522. (See 1882, 237; 1885, 283.)

**Chapter 178. — Of the Partition of Land.**

SECT. 2. Original jurisdiction of petitions for partition taken from supreme judicial court. St. 1892, 169.

SECTS. 2, 9, 75 extended. Land in different counties may be divided in one proceeding. St. 1888, 346. (See 1889, 468.)

SECT. 12. See St. 1896, 456.

SECT. 13. The right to remove petitions for partition under this section is taken away. St. 1892, 169 § 2. (See 1885, 384 § 14.)

SECT. 19 *et seq.* The probate court may set off his share to petitioner and allow the residue to remain in common. St. 1885, 293. (See 1887, 286; 1888, 346.)

No petition for partition shall be defeated because a party has paid off an incumbrance which other parties were entitled to redeem, but the decree shall prescribe terms of redemption. St. 1889, 468.

SECT. 51. Words "newspaper or" inserted. St. 1882, 55.

SECTS. 52, 53. See St. 1896, 456.

SECT. 57 repealed. St. 1895, 118.

SECT. 63 amended. St. 1882, 6 § 2.

SECTS. 64-75. Provision made for partitions where there are estates for life or for a term of years, and a remainder-man. St. 1887, 286.

SECT. 65 amended. St. 1894, 104.

SECT. 75. See St. 1888, 346 § 3.

#### Chapter 180.—Of Actions for Private Nuisances.

Fences and other like structures over six feet in height, maliciously erected or maintained, are declared private nuisances. St. 1887, 348.

#### Chapter 181.—Of the Redemption and Foreclosure of Mortgages.

SECTS. 3, 9. Original jurisdiction of writs of entry for foreclosure taken from the supreme judicial court. St. 1892, 169.

SECT. 17. The notice may be given in some newspaper in the county if there is none in the town. St. 1882, 75.

SECT. 27. The mortgagee may proceed with a sale already advertised unless the amount due is paid into court or the sale enjoined. St. 1888, 433.

SECT. 42 shall not apply to foreclosures under power of sale mortgages. St. 1896, 203.

#### Chapter 183.—Of the Trustee Process.

SECT. 1. See St. 1883, 223 § 11.

SECT. 3. Where a trustee is made a party for the purpose of giving jurisdiction in the county where the trustee resides, the parties not residing there, the action may be transferred. St. 1893, 285. (See St. 1893, 396 § 13; 1894, 398.)

SECT. 7 extended to trial justices. St. 1887, 33. As to time of return, see St. 1893, 396 § 17; 1894, 398.

SECT. 10. Appearance and answer must be within ten days from the return day of the writ. St. 1885, 384 § 9.

SECT. 29 *et seq.* The wages or lay of seamen are exempted. St. 1886, 194. But not of fishermen. St. 1890, 289.

SECT. 34. Certain funds of charitable and relief societies are not liable to attachment. St. 1886, 125; 1890, 181, 421 § 23. (See 1885, 183 § 11; 1887, 214 § 73.)

SECT. 38. Provision is made for executions in favor of claimants. The provision as to proceedings under chapter 161, sections 80, 82, 83, is omitted. St. 1888, 345. (See 1883, 62; 1886, 281.)

SECT. 71. See St. 1897, 404.

SECT. 73. In a suit by the defendant against the trustee, pending the trustee process, the costs are in the discretion of the court. St. 1883, 62. (See 1886, 281; 1888, 345.)

**Chapter 184.—Of the Replevin of Property.**

In case of appeal from the lower courts by the plaintiff, no bond, recognition or deposit is required. St. 1890, 224. (See St. 1893, 396 § 29.)

SECTS. 18, 19. Sureties may be approved by a justice of a police, district or municipal court. St. 1895, 388. (See 1894, 522 § 61.)

**Chapter 185.—Of Habeas Corpus and Personal Replevin.**

Probate courts are given jurisdiction in cases of alleged restraint of personal liberty. St. 1894, 536.

SECT. 3. Provision for habeas corpus in poor debtor proceedings. St. 1888, 419 § 12.

SECT. 18 is amended. St. 1882, 6 § 3.

**Chapter 187.—Of Writs of Error and Writs of and Petitions for Review.**

Upon a writ of error or other proceeding to reverse or avoid a conviction, or discharge a prisoner, the fact that the person was under seventeen years of age shall not be deemed material. St. 1892, 266.

SECTS. 16-39 are repealed and revised. St. 1895, 234. (See 1882, 249; 1888, 405 § 3; 1893, 396 § 33.)

**Chapter 188.—Of Reference to Arbitration.**

The fees of arbitrators under this chapter, upon whose awards judgment is entered, are to be paid by the county. St. 1887, 289. (See 1883, 216; 1886, 51.)

**Chapter 189.—Of Improving Meadows and Swamps.**

SECT. 15, "Return day" is substituted for "court held." St. 1885, 384 § 5.

**Chapter 190.—Of Mills, Dams and Reservoirs.**

SECT. 48 is extended to any stream, on certain conditions. St. 1892, 55.

SECT. 53 *et seq.* County commissioners may examine dams and reservoirs upon their own judgment, and proceed as if application had been made to them. St. 1891, 315; 1893, 99.

**Chapter 191.—Of Liens on Buildings and Lands.**

Provision for speedy trials in superior court, Suffolk. St. 1894, 283, 547; 1897, 381.

SECT. 6. Certain inaccuracies not to invalidate the statement if parties were not misled. St. 1892, 191.

SECT. 12 is repealed. St. 1888, 344 § 4.

SECTS. 13, 16, 17 are revised, and new method of procedure prescribed. St. 1888, 344. District and police courts have jurisdiction when the claim does not exceed one thousand dollars. St. 1893, 396 § 12.

SECTS. 42, 43. Any person to whom a debt would be payable for labor or materials, if it were not for a lien, may dissolve such lien by bond. St. 1890, 383. Sureties may be approved by a justice of a police, district or municipal court. St. 1895, 404.

SECT. 45. Creditor's attorney may discharge lien. St. 1891, 244.

#### **Chapter 192.—Of Mortgages, Conditional Sales, Pledges and Liens on Personal Property.**

An act to regulate the making of loans upon deposits or pledges of personal property. St. 1895, 497. (See 1894, 416; 1896, 183.)

The provisions of this chapter shall not apply to contracts under St. 1894, 326.

SECTS. 1, 2 are repealed, and new provisions made as to recording. St. 1883, 73.

The discharge of, and redemption of security for, small loans regulated. St. 1888, 388; 1890, 416; 1892, 428. (See 1885, 252; 1895, 497.)

Mortgages of household furniture are regulated in certain cases. St. 1892, 428 § 3.

SECT. 6 not repealed or affected by St. 1892, 428.

SECTS. 7, 10. See St. 1892, 428 § 4.

SECTS. 10-12. Debts or claims against a pledgee, created by an unauthorized sale of the collateral, are not discharged in insolvency. St. 1885, 353 § 6. (See 1884, 236 § 9.)

SECT. 13. Conditional sales of furniture or household effects are regulated. St. 1884, 313; 1892, 411.

SECT. 15. Time for filing statement extended. St. 1896, 404.

SECT. 24. Courts in the county where the petitioner has his usual place of business also have jurisdiction. St. 1888, 46.

SECT. 26 amended to conform to section 24. St. 1893, 173.

SECT. 31. Lodging-house keepers added. St. 1897, 292. Disposition of unclaimed baggage, etc., regulated. St. 1893, 419; 1894, 181.

#### **Chapter 195.—Of the Collection of Claims against the Commonwealth.**

SECT. 1 is extended to all claims, whether at law or in equity, except those mentioned in section 7. They are subject to set-off. St. 1887, 246.

#### **Chapter 196.—Of the Limitations of Real Actions and Rights of Entry.**

SECT. 11. Not to apply to certain province lands. St. 1893, 470.

#### **Chapter 197.—Of the Limitation of Personal Actions.**

Actions to recover forfeitures for selling liquor to a minor are limited to two years. St. 1889, 390.

Actions by and against assignees in insolvency are limited. St. 1895, 432.

#### **Chapter 198.—Of Costs in Civil Actions.**

When two or more cases are tried together in the supreme judicial, superior, or any police, municipal or district court, the costs may be reduced by the presiding judge. St. 1892, 231.

SECT. 25 is revised. Time of hearing appeals changed. St. 1882, 235.  
SECTS. 28-31. Term fees are abolished. St. 1888, 257; 1889, 433; 1890, 209; 1891, 87. (See 1882, 264; 1890, 360.)

#### Chapter 199. — Of the Fees of Certain Officers.

In criminal cases, if the complaint is unfounded, frivolous or malicious, the magistrate may refuse to allow fees to complainant. St. 1890, 440 § 13.

SECT. 2. In police, district and municipal courts no court fees are allowed in criminal cases. St. 1890, 256.

SECTS. 2, 3. The fees of trial justices and mode of approval and certification are established. St. 1890, 353; 1891, 325; 1892, 200 § 3. (See 1890, 440; 1892, 160.) Fee for complaint and warrant in bastardy cases abolished. St. 1897, 237.

SECTS. 4, 5. The entry fee covers all clerks' fees, except in certain cases. St. 1888, 257; 1889, 433; 1890, 209; 1891, 87. (See 1890, 360.)

SECT. 6. Fees for summoning witnesses in criminal cases fixed. St. 1882, 215.

SECT. 9 is revised. Certain charges for horse hire are allowed. St. 1885, 254.

SECTS. 14, 39. When two or more cases are tried together the presiding judge may reduce the fees and costs. St. 1892, 231.

SECT. 14. Fees of witnesses in insolvency proceedings regulated. St. 1890, 277.

SECT. 15 repealed. Appraisers' fees regulated. St. 1886, 135.

SECT. 20. Fees are paid to county, and registers and assistants paid by salary. St. 1895, 493. (See 1896, 172.)

SECTS. 23-27 apply to registers of probate and insolvency. St. 1893, 469 § 2.

SECTS. 30, 34 *et seq.* Officers' fees, costs and expenses regulated. St. 1890, 440; 1891, 70, 325, 392; 1892, 200. (See 1889, 469; 1890, 166; 1892, 231.)

SECTS. 32, 39. See St. 1892, 231.

#### Chapter 200. — Of the Rights of Persons Accused.

Police matrons and stations for detention of women are required in certain cities. St. 1887, 234; 1888, 181.

#### Chapter 202. — Of Offences against the Person.

SECTS. 15, 16. Public boxing matches and private boxing matches for a prize or reward are prohibited. St. 1896, 422.

SECT. 27. Punishment modified and "age of consent" raised. St. 1893, 466. (See 1886, 305; 1888, 391.)

#### Chapter 203. — Of Offences against Property.

The following are made offences: —

False statements of the distance travelled or to be travelled with a hired horse, or refusal to pay the hire. St. 1882, 236.

Obtaining, by false representations, certificates or transfers of registration, and giving false pedigrees of cattle, horses, etc. St. 1887, 143; 1890, 334.

Entering or driving a horse disguised, or different from the one purported to be entered, to compete for a purse or premium. St. 1892, 167.

False representations to overseers of the poor, etc., for purpose of causing any person to be supported as a pauper. St. 1891, 343.

Selling goods marked silver, sterling silver or coin silver, containing less than the required proportion of pure silver. St. 1894, 292.

Injuring property or unlawful diversion of electricity of an electric lighting company. St. 1895, 330. Violation of park regulation. St. 1896, 199.

SECTS. 10, 11 amended. The penalties are modified. St. 1888, 135.

SECT. 16 extended to railroad cars. St. 1896, 389.

SECT. 20. The penalties are changed in certain cases. St. 1889, 458.

SECTS. 20, 37, 40. The embezzlement of property of voluntary associations is made a crime. St. 1884, 174; 1886, 328. (See 1887, 411 § 77.)

And of money, stocks or securities held by brokers under written directions for their disposal. St. 1892, 138. (See 1890, 437 § 3.)

SECT. 21. And the mutilation of a will. St. 1890, 391.

SECT. 43. Penalty for destroying or removing from order boxes orders to carriers for hire. St. 1895, 481. And for stealing bicycles. St. 1897, 409.

SECT. 56 is extended to agents, clerks, etc., of persons or firms, and to omissions to make true entries. St. 1885, 223.

SECT. 58. Fraudulent use of certain insignia is made an offence. St. 1887, 67; 1891, 15; 1894, 27, 117.

SECTS. 63, 64 extended to labels, stamps and trade-marks of labor and trade associations. St. 1890, 104. (See 1893, 443; 1894, 285.)

SECT. 79. Wilful detention or mutilation of books, etc., of public or incorporated libraries are offences. St. 1883, 77, 81.

SECT. 95. See St. 1893, 403.

SECT. 99. Provision is made to prevent trespass on private land by persons with fire-arms, the defacing of notices, etc. St. 1884, 308; 1890, 403, 410. (See 1886, 276 § 4.)

And on lands appurtenant to prisons or houses of correction. St. 1885, 303.

SECT. 101. The tearing down, removal or defacing of a warrant, voting or jury list, or other legal notice, is made punishable. St. 1883, 156; 1887, 147; 1888, 436 § 28; 1889, 413 § 28.

SECT. 103. Municipal, district and police courts are given concurrent jurisdiction in certain cases. The penalty is regulated. St. 1893, 396 § 39; 1897, 180, 349. (See 1887, 293 § 2; 1897, 387, 528.)

The wilful defacing and misuse of milk cans is made an offence. St. 1885, 138.

SECT. 106. The penalty is increased. One-half the fine is to go to the informant. St. 1889, 399.

SECTS. 107-109. The wilful or negligent setting of fires is made a crime. St. 1882, 163; 1886, 296; 1897, 254.

Wilful or wanton destruction of property by a convict is punishable. St. 1891, 295; 1896, 344.



**Chapter 205.—Of Offences against Public Justice.**

The following are made offences : Procuring fraudulent divorces. Unlawfully issuing certificates of divorce. Advertising, by one not a member of the bar, the business of procuring divorces. St. 1886, 342 ; 1887, 320 ; 1891, 59. Falsely representing one's self to be an attorney-at-law. St. 1891, 418.

Interference with police signal system. St. 1888, 291.

Trespass on lands appurtenant to prisons, disturbance of prisons and illicit communication with prisoners. St. 1885, 303. And illicit conveyance of articles to or from the men's reformatory prison. St. 1887, 339.

Commitments for contempt may be made to any jail and served in any county. St. 1886, 224.

SECT. 1. Penalty modified. St. 1892, 123.

SECTS. 9, 10 are extended. St. 1891, 349 ; 1892, 416.

SECTS. 11, 12 extended to county officers. St. 1893, 271.

**Chapter 207.—Of Offences against Chastity, Morality, and Good Order.**

Punishments are provided : For keeping or resorting to a place where opium is used. St. 1885, 73 ; 1895, 194. For the exhibition of deformed persons. St. 1884, 99. For unnatural and lascivious acts. St. 1887, 436. For sending to, or detaining in, a house of ill-fame any female as an inmate or servant. St. 1888, 311. For immoral shows or entertainments. St. 1896, 339. Violating a park regulation. St. 1896, 199.

SECT. 2. Further provision made against seduction, unlawful intercourse and assistance thereto. St. 1886, 329 ; 1888, 311.

SECT. 9. The dying declarations of the woman are admissible in evidence. St. 1889, 100.

SECT. 13 amended. Penalty increased. St. 1897, 385.

SECT. 15 is extended and revised. St. 1894, 433 ; 1895, 162. (See 1890, 70.)

The gift, sale or distribution, to or by minors, of papers devoted to criminal news is punishable. St. 1885, 305.

SECTS. 20, 29, 34, 35. Disorderly or indecent speech or behavior in public conveyances is punishable. St. 1883, 102.

SECT. 22 is extended to licensed picnic groves. St. 1887, 445. (See 1885, 309.)

SECT. 23. Wilful disturbance of persons in a public library or reading room is made an offence. St. 1885, 225.

SECTS. 25-28 are repealed, and new provisions made as to proceedings and punishments in cases of drunkenness. St. 1891, 427 ; 1892, 303 ; 1893, 414, 447. (See 1885, 365, 375 ; 1886, 323 § 2 ; 1888, 377 ; 1891, 356 ; 1892, 160, 200.)

SECT. 29. Neglect to support wife or minor children is punishable. St. 1885, 176 ; 1893, 262. (See 1882, 270 ; 1884, 210.)

SECTS. 29, 42. Sentences under these sections regulated. St. 1884, 258 ; 1885, 365 ; 1886, 323 ; 1888, 49 ; 1892, 302. (See 1892, 303.)

SECT. 38 is revised. St. 1896, 385.

SECTS. 49, 50. Removing flowers or memorial tokens from graves, etc., without authority is punishable. St. 1888, 395.

SECTS. 52-54. The docking of horses' tails is forbidden under penalty. St. 1894, 461. (See 1889, 267.)

The payment of fines to informers under these sections is regulated. St. 1889, 267; 1891, 304, 416; 1894, 461.

SECT. 69 is extended. St. 1895, 461. (See 1885, 316; 1893, 436.)

#### Chapter 208.—Of Offences against Public Health.

Penalties are provided for: Sale or gift of cigarettes, snuff or tobacco to children under sixteen; St. 1886, 72. Feeding, or keeping with intent to feed, garbage, offal, etc., to milch cows and certain food animals; St. 1889, 326; 1895, 385. Sale of clothing made in unhealthy places; St. 1891, 357; 1892, 296; 1893, 246. Manufacture or sale of toys or confectionery containing arsenic; St. 1891, 374. Pollution of water supplies; St. 1884, 172. Neglect, after notice by board of health, to repair private drain in street; St. 1893, 312. Adulteration of food or drugs; St. 1883, 263; 1884, 289; 1886, 171; 1896, 397 § 19; 1897, 344. (See 1883, 263.) (As to milk and butter, see 1884, 310; 1885, 352; 1886, 317, 318; 1896, 398.) Making or issuing a false or fraudulent certificate or prescription for sale of intoxicating liquor or medicines. Selling intoxicating liquor or drugs by a registered pharmacist without a license. Adulterating drugs. St. 1896, 397 §§ 16-19. Unlawfully advertising as a physician or a surgeon. St. 1894, 458 § 10; 1895, 412. Breach of regulations for bakeries. St. 1896, 418 § 6.

SECTS. 5, 6. The regulations as to sale of poisons are revised. St. 1896, 397. (See 1885, 313; 1887, 38; 1888, 209.)

#### Chapter 209.—Of Offences against Public Policy.

It is made unlawful to display a flag or emblem of a foreign country on a public building or schoolhouse, except on certain conditions. St. 1895, 115.

Provisions to prevent lotteries and policy lotteries. St. 1892, 409; 1895, 419.

A penalty is imposed for having in possession or wearing the body or feathers of a bird whose killing is prohibited by law. St. 1897, 524.

Property shall not be sold or exchanged under the inducement of any gift or prize. St. 1884, 277.

Pretending, in writing, to hold a degree of a college or school, or the approval of a college or professional school of a person, process, treatment or goods, and granting degrees without authority, are made offences. St. 1893, 355. (See 1883, 268.)

Influencing or intimidating voters, and coercing or compelling a person, as a condition of employment, to agree not to join a labor organization are made offences. St. 1894, 508 §§ 3, 5, 58, 78.

SECTS. 11-13. See St. 1892, 167.

**Chapter 210.—Of Felonies, Accessories, Abettors and Attempts to commit Crimes.**

Sentences are regulated. St. 1885, 365; 1886, 323; 1889, 113; 1891, 200; 1895, 218, 469, 504; 1897, 294. (See 1887, 435; 1890, 316.)

**Chapter 211.—Of Proceedings to prevent the Commission of Crime.**

The court may revoke an order requiring recognizance or reduce the amount. St. 1896, 388.

SECT. 4, 5 amended. Magistrate may impose sentence in case of conviction. St. 1894, 505.

SECT. 6 extended to all criminal cases. St. 1890, 440 § 13.

SECT. 18, 16, 17. See St. 1893, 396 § 41.

**Chapter 212.—Of Search Warrants, Rewards, Arrests, Examination, Bail and Probation.**

Police matrons are provided for in certain cities. St. 1887, 234; 1888, 181.

Male and female prisoners shall not be carried to or from court together in certain cities. St. 1894, 273.

Provisions in regard to arrest of children under twelve. St. 1882, 127.

SECT. 2. Tickets and other materials for pool selling are added. St. 1885, 342 § 2. Also personal property, insured against fire, concealed to defraud an insurance company. St. 1890, 284. (See 1890, 452.)

Property seized under St. 1890, 284, shall be disposed of as the court orders. St. 1890, 452.

SECT. 5-10 applied to property seized in pool rooms, gaming houses and opium joints. St. 1894, 410; 1895, 194. (See 1885, 73, 342 § 2; 1887, 448 § 2; 1895, 419.)

SECT. 9 is extended to gaming apparatus and certain other articles. St. 1885, 66.

SECT. 15. If magistrate deems complaint unfounded, frivolous or malicious, he may refuse fees to complainant. St. 1890, 440 § 13.

SECT. 16. A summons shall issue instead of a warrant "unless there is reason to believe that the accused will not appear upon a summons." St. 1890, 225.

SECT. 17, 20. Warrants and other criminal process may be directed to and served by officers in any county. St. 1886, 247. (See 1895, 380.)

SECT. 26. On adjourning a trial or examination where the offence is punishable with death or imprisonment for life, material witnesses for the government may be bound over according to sections 37-41 of this chapter. St. 1885, 136.

Another justice may complete adjourned proceedings. St. 1883, 175.

SECT. 36-40. Provision for detention of witnesses in cases of felony, pending pursuit and apprehension of offender. St. 1892, 361. (See St. 1893, 396 § 48.) Provision made for treatment of witnesses in custody. St. 1894, 160, 270. And for their compensation. 1894, 406.

SECT. 37-41. See St. 1885, 136 § 2.

SECT. 51. The latter clause of this section, forbidding justices to receive compensation for taking bail, is repealed. St. 1885, 135.

SECT. 68. Money may be deposited with any officer authorized to take recognizance. St. 1882, 134.

SECTS. 74-78 repealed, and new provisions made as to probation officers. St. 1891, 356, 427; 1892, 242; 1894, 229, 368, 372; 1897, 266. (See 1882, 125; 1892, 276, 303.)

SECT. 81 amended. St. 1886, 101 § 4.

#### Chapter 213.—Of Indictments, Prosecutions and Proceedings before Trial.

SECT. 1. See St. 1897, 490 § 7.

SECT. 15. See St. 1887, 367; 1895, 390.

SECT. 16 *et seq.* See St. 1886, 328 § 2; 1887, 436.

SECT. 17 repealed and a substitute passed. St. 1886, 53. (See 1885, 144.)

SECTS. 15, 30. The support of such insane persons is to be paid by the State. St. 1883, 148; 1889, 90. (See 1894, 214 § 3.)

SECT. 28 *et seq.* The superior court has exclusive original jurisdiction in capital cases. St. 1891, 379. (See 1893, 324, 365, 394.)

SECTS. 29, 30 repealed. St. 1891, 379 § 14.

SECTS. 33-35. Police officers may serve subpoenas when requested by district attorney. St. 1890, 440 § 6.

SECT. 35. In cases of felony, witnesses committed may be held a reasonable time pending pursuit and apprehension of the offender. St. 1892, 361. (See 1894, 406.)

SECT. 38 not affected by St. 1891, 379 § 4. St. 1893, 365.

#### Chapter 214.—Of Trials and Proceedings before Judgment.

SECT. 1. Order of trials in criminal cases regulated. St. 1884, 193; 1889, 432.

SECTS. 5, 6. When two or more persons are tried together the Commonwealth may challenge as many as the defendants. St. 1895, 120.

SECT. 16. See St. 1887, 367.

SECTS. 16, 19, 20. The support of such insane person is to be paid by the State. St. 1883, 148; 1889, 90. (See St. 1895, 390.)

SECT. 21 amended. St. 1895, 390 § 7.

#### Chapter 215.—Of Judgment and Execution.

Sentence shall be imposed notwithstanding exceptions or appeal. St. 1895, 469.

Provision made for the ascertainment and punishment of habitual criminals. St. 1887, 435. And for registration and identification of certain criminals. St. 1890, 316.

Warrants for commitment for non-payment of fines regulated. St. 1891, 416 § 2.

Sentences to State prison regulated. St. 1895, 504; 1897, 294.

And to Suffolk county reformatory. St. 1896, 536.

Commitment may be made at same time on several sentences. St. 1884, 265.

Convicts may be sent to jail, house of correction, or Suffolk reformatory, and may be transferred from one to the other. St. 1882, 241; 1895, 224; 1896, 521, 536 § 7.

Prisoners in State institutions shall not be employed outside the precincts of such institution in any mechanical or skilled labor for private parties. St. 1891, 209.

SECTS. 2, 5. Taxing costs against defendants in criminal cases is restricted and payment of expenses regulated. St. 1890, 440; 1891, 325.

Expense of serving warrant of commitment shall be deemed part of expense of prosecution. St. 1890, 328.

SECT. 8. Not to apply to sales of intoxicating liquor by unregistered pharmacists in name of one who is registered. St. 1893, 472.

SECT. 15. Sentences of women regulated. St. 1889, 113; 1895, 218. (See 1887, 426; 1896, 304.)

SECT. 18 is revised. St. 1882, 127.

SECT. 22. A prisoner in the Massachusetts reformatory may be sent to State prison or house of correction on conviction of an offence punishable by imprisonment therein. St. 1891, 200. (See 1895, 273.)

#### Chapter 216. — Of Fire Inquests.

This chapter is repealed, and the laws as to fire inquests revised. St. 1894, 444. (See 1886, 296; 1887, 214; 1888, 199; 1889, 451; 1891, 229; 1895, 452, 499.)

#### Chapter 217. — Of Fines, Forfeitures and Costs.

Expense of serving warrant of commitment shall be deemed a part of expense of prosecution. St. 1890, 328.

SECT. 6. See St. 1890, 353.

SECTS. 8, 9. Taxation, certification and payment of costs and fines regulated. St. 1890, 218, 440; 1891, 236, 392, 416. (See 1889, 469.)

SECT. 13 repealed. St. 1890, 218 § 3.

SECT. 15 is repealed, and method of accounting for moneys received under section 14 established. St. 1891, 416.

#### Chapter 218. — Of Fugitives from Justice and Pardons.

SECT. 6 repealed. Payment of expenses of requisitions regulated. St. 1886, 267.

SECT. 14. Sentences after breach of condition of a pardon regulated. St. 1882, 197.

#### Chapter 219. — Of the Commissioners of Prisons.

The commissioners shall make reports to the governor at least once in six months. St. 1893, 428. Shall make special rules for treatment of witnesses held in custody. St. 1894, 270. (See 1894, 160.)

They may provide for surgical treatment of prisoners. St. 1882, 207. They shall provide for exercise for unemployed prisoners. St. 1895, 146. And for medical supervision of prisoners in solitary cells in county prisons.

St. 1895, 195. And for teaching certain prisoners to read and write. St. 1895, 259.

Powers and duties of commissioners in regard to the reformatory prescribed. St. 1884, 255, 331; 1886, 323 § 4; 1888, 317; 1894, 249. As to release on parole of prisoners in State prison. St. 1894, 440; 1895, 252, 504; 1897, 206, 272. (See 1888, 192.)

The governor may remove commissioners at pleasure. St. 1893, 453.

Registration and measurement of certain convicts provided for. St. 1890, 316. (See 1892, 313.)

The authorities of State of Vermont are granted permission to detain in and transport through the State convicts sentenced in Vermont. St. 1892, 423.

SECT. 3. Secretary's salary fixed. St. 1886, 225. (See 1884, 331 § 4.)

SECT. 4. Removal and transfer of prisoners regulated. St. 1882, 207, 241; 1885, 35, 320; 1887, 292, 375; 1888, 192; 1890, 180, 278; 1894, 249; 1895, 273. (See 1896, 317, 521.)

State prison convicts may be graded and classified. St. 1892, 267. (See 1891, 372.)

SECT. 6. Vagrants and tramps may be removed to the State farm. St. 1885, 35 § 1. (See 1887, 264; 1896, 385.)

SECT. 14 *et seq.* Labor in prisons and employment of prisoners regulated. St. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371; 1894, 451, 460; 1897, 412, 434, 480. (See 1895, 146, 259.)

SECTS. 17, 18 repealed. St. 1888, 403 § 6.

SECT. 24. Sentence may be to reformatory prison for women. St. 1894, 260.

SECTS. 26-30. Additional agents authorized and provisions for aiding discharged prisoners. St. 1886, 177; 1887, 315, 336, 395; 1888, 417; 1895, 383; 1897, 350. (See 1888, 322, 330.)

SECT. 32. See St. 1889, 245; 1895, 449.

SECTS. 34, 35 *et seq.* Reports and returns are regulated. St. 1882, 226; 1891, 187; 1892, 290 § 2.

SECT. 36 repealed. St. 1882, 226 § 3.

SECT. 39. Allowance made for clerical assistance. St. 1888, 328; 1895, 431. (See 1885, 52.)

### Chapter 220.—Of Jails and Houses of Correction.

An act relative to the Suffolk county reformatory, house of correction and Boston house of industry. St. 1896, 536.

Police matrons and stations for the detention of women are required in certain cities. St. 1887, 234; 1888, 181.

Carrying male and female prisoners together to and from court is forbidden in certain cities. St. 1894, 273.

A general superintendent of prisons is provided for. St. 1887, 447 § 6; 1895, 322. (See 1888, 403 § 8.)

Provision for teaching certain illiterate prisoners to read and write. St. 1895, 259.

SECT. 2. The sheriff may transfer prisoners between jails and houses of correction. St. 1882, 241. (See 1890, 278; 1896, 521.)

SECT. 11 *et seq.* An institution commissioner substituted for directors for public institutions of Boston. St. 1895, 449 § 14. (See 1885, 266; 1889, 245; 1896, 521, 536; 1897, 395, 451.)

SECTS. 13, 14. Contract labor is forbidden in certain prisons. St. 1887, 447; 1888, 22. (See 1888, 403; 1894, 451; 1897, 412.) And employment of prisoners for private parties outside of prison precincts. St. 1891, 209.

SECT. 19. See St. 1891, 426.

SECT. 23. See St. 1894, 349.

SECT. 36. The requirement of whitewashing is stricken out. St. 1886, 226.

SECT. 40 *et seq.* Labor in prisons and employment of prisoners are regulated. St. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371; 1894, 451, 460; 1897, 412, 434, 480. (See 1895, 146, 259.)

SECT. 46. Provision made for teaching illiterate prisoners. St. 1895, 259.

SECT. 49. Clerical error corrected. St. 1882, 6 § 4.

SECT. 50. Escapes of prisoners employed outside are punishable. St. 1882, 198. (See 1885, 94.)

SECT. 53 *et seq.* Invoice books of supplies must be kept. St. 1890, 296. (See 1889, 294.)

SECTS. 54, 55. The purchase of tools, materials, machinery, etc., and sale of manufactured goods provided for and regulated. St. 1887, 447; 1888, 403 § 3; 1891, 228. (See 1891, 371.)

Funds not required for immediate use must be deposited. St. 1890, 215.

Payment of funds regulated. St. 1893, 270.

SECT. 60 *et seq.* See St. 1882, 113.

SECTS. 66, 68. Further provisions made as to release of prisoners on probation. St. 1884, 152, 255 §§ 33, 34; 1886, 323 § 4; 1888, 317; 1894, 440; 1895, 252, 504; 1897, 206, 272. (See 1888, 192.)

SECT. 69 applies to St. 1891, 356.

## Chapter 221.—Of the State Prison and the Reformatory Prison for Women.

A general superintendent of prisons is provided for. St. 1887, 447 § 6.

The prison at Concord is made a reformatory prison for men, and the State prison is re-established at Boston. St. 1884, 255, 331. (See 1891, 215, 372 § 2; 1893, 441. Res. 1890, 55.)

Sentences to State prison regulated. St. 1895, 504; 1897, 294. (See 1895, 469.)

Permits to be at liberty authorized and regulated. St. 1884, 255 §§ 33, 34; 1887, 435 §§ 2, 3; 1894, 440; 1895, 252, 504; 1897, 206, 272. (See 1888, 192.)

The list of officers of the State prison is revised and compensation fixed. St. 1889, 412; 1893, 455, 456; 1894, 370, 477. (See 1882, 203; 1884, 95; 1887, 355; 1888, 264; 1894, 349.)

And of the officers of the reformatory prison for men. St. 1890, 255; 1893, 333. (See 1888, 335; 1889, 408; 1890, 267; 1894, 349.)

And of the reformatory prison for women. St. 1883, 267; 1884, 43; 1887, 341; 1888, 327; 1897, 329.

Sentences to the men's reformatory are regulated. St. 1885, 365; 1886, 323; 1888, 49; 1891, 427 § 5; 1892, 302, 303; 1893, 447. (See 1884, 255 §§ 8-11, 33-35; 1885, 35, 320, 356; 1891, 200.)

Sentences of prisoners in the reformatory, convicted of offences punishable by imprisonment in the State prison or house of correction, are regulated. St. 1891, 200. (See 1892, 302.)

The description and measurement of convicts by the "Bertillon" system are provided for. St. 1890, 316.

Removals and transfers of prisoners regulated. St. 1882, 207, 241; 1885, 35, 320; 1887, 292, 375; 1888, 192; 1890, 180, 278; 1891, 200; 1894, 214, 249; 1895, 273. (See 1884, 255; 1894, 273.)

Labor in prisons and employment of prisoners regulated. St. 1883, 217; 1885, 94; 1887, 447; 1888, 22, 189, 403; 1891, 209, 228, 371; 1894, 451, 460; 1897, 412, 434, 480. (See 1895, 146, 259.)

The purchase of machinery, tools and materials and sale of manufactured goods are regulated. St. 1887, 447 §§ 3, 4; 1888, 403 § 3; 1891, 228.

Convicts may be punished for wilful or wanton destruction of property. St. 1891, 295; 1896, 344.

The illicit conveyance of articles to or from the men's reformatory is made punishable. St. 1887, 339. And trespass on prison lands and disturbance of prisons and illicit communication with prisoners. St. 1885, 303.

Provision for removal of persons and property unlawfully on prison premises. St. 1895, 141.

SECT. 6, 7 repealed. St. 1882, 203 § 4.

SECT. 6 *et seq.* The removal of subordinate officers is regulated. St. 1887, 355; 1890, 267. (See 1888, 264; 1889, 412.) Subordinates must give bond and be sworn. St. 1893, 426. May be transferred to service as watchmen. St. 1894, 349.

SECT. 8 amended. St. 1887, 355.

SECT. 23 to govern inspector of industries when serving as warden. St. 1894, 477.

SECT. 25 *et seq.* Provision made for grading and classifying prisoners in the State prison. St. 1892, 267. (See 1891, 372.)

SECT. 27 amended. Words "or printing" stricken out. St. 1888, 189.

SECT. 30. Schools for the prisoners provided for. St. 1886, 197. (See 1895, 259.)

SECT. 43 *et seq.* Female convicts of the United States courts are to be sent to the reformatory for women. St. 1887, 426; 1896, 304. (See 1894, 260; 1895, 218, 273.) Additional land taken for reformatory. St. 1885, 287; 1889, 463; 1894, 407. (See 1895, 141.)

Prisoners may be employed on land or in building appurtenant to reformatory. St. 1885, 94.



Transfers and removals of female prisoners regulated. St. 1888, 192; 1896, 317. (See 1894, 273; 1895, 273.)

Escapes and attempts to escape are made punishable. St. 1885, 94. (See 1882, 198.)

A burial place is provided for. St. 1882, 213.

A sewerage system is provided for. St. 1887, 403; 1892, 211.

SECT. 44. See St. 1883, 267; 1884, 43.

SECT. 52. Further provisions made as to permits. St. 1884, 152; 1888, 192, 317. (See 1887, 435 § 2.)

SECTS. 54, 55. Method of approval of bills and contracts changed. St. 1888, 403 § 7; 1889, 294. (See 1883, 267; 1884, 255 §§ 28, 30; 1887, 447; 1888, 22, 337.)

#### Chapter 222. — Special Provisions concerning Penal and Other Public Institutions.

Masters of jails having public funds must deposit all not required for immediate use. St. 1890, 215.

Payment of funds regulated. St. 1893, 270.

No prisoner in any State institution shall be employed outside in mechanical or skilled labor for private parties. St. 1891, 209.

Prisoners or inmates of institutions suffering from syphilis shall have medical treatment and may be isolated. St. 1891, 420.

Surgical treatment and medical treatment provided for in certain cases. St. 1882, 207; 1895, 195. And exercise for unemployed prisoners. St. 1895, 146. And teaching certain illiterate prisoners to read and write. St. 1895, 259.

Convicts may be punished for wilful destruction of property. St. 1891, 295; 1896, 344.

SECT. 3. See St. 1895, 195.

SECT. 10. Further provisions concerning removal of insane prisoners in the reformatory for men. St. 1885, 320; 1895, 390.

SECTS. 10, 11, 25. See St. 1886, 101 § 4.

SECTS. 10, 12, 14. See St. 1886, 219; 1887, 367; 1895, 390.

SECT. 17. A trial justice may act, if there is no police or district court in the county. St. 1882, 201.

SECT. 20 does not apply to persons sentenced to the reformatory. St. 1886, 323 § 7. Provision for special deductions at State farm. St. 1894, 258. (See 1887, 264.)

SECTS. 20, 21. Form of sentences to State prison modified. St. 1895, 504. Releases on probation are further regulated. St. 1884, 152, 255 §§ 33, 34; 1887, 435 § 2; 1888, 317; 1894, 440; 1895, 252; 1897, 206, 272.

SECT. 25. See St. 1891, 420 § 2.

#### Glossary.

The relations of avoirdupois and troy pounds are fixed. St. 1894, 198 § 1.

## II.

## CHANGES IN THE GENERAL STATUTES

PASSED SINCE THE ENACTMENT OF THE  
“PUBLIC STATUTES.”

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[The changes are more fully stated in Table I, under the appropriate chapter of the Public Statutes.]

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## Statutes of 1882.

Chap.

- 28 Repealed, 1890, 423 § 228. (See 1885, 108; 1893, 417 § 193.) P. S. 7.
- 29 Repealed, 1886, 66. (See 1891, 24.) P. S. 5.
- 36 Amended, 1888, 114. (See 1894, 389, 422.) P. S. 52.
- 41 § 2 superseded, 1887, 163 § 2. P. S. 154.
- 43 Affected, 1885, 132. P. S. 154.
- 49 Amended, 1894, 130. See 1896, 162. P. S. 2, 77, 160.
- 50 Repealed, 1894, 317. P. S. 116.
- 63 Superseded, 1886, 307. P. S. 154.
- 65 Repealed, 1885, 247. P. S. 91.
- 74 Repealed, 1884, 299 § 44. (See 1890, 423; 1893, 417 § 176.) P. S. 7.
- 76 Superseded, 1888, 363. (See 1887, 228; 1889, 446.) P. S. 11.
- 77 Repealed, 1894, 317. (See 1883, 258 § 2; 1884, 72; 1886, 300; 1887, 214 § 95.) P. S. 116.
- 87 Superseded, 1886, 167. P. S. 154.
- 94 Superseded, 1882, 225. (See 1894, 469.) P. S. 112.
- 95 See 1893, 396 §§ 25-29. P. S. 154.
- 97 Superseded, 1887, 411 § 23. (See 1893, 367 § 23.) P. S. 14.
- 102 Amended, 1884, 245. P. S. 91.
- 103 Affected, 1883, 109 § 1. P. S. 19.
- 106 Amended, 1883, 74. Affected, 1884, 330 § 3; 1886, 230; 1891, 341; 1894, 381, 541; 1895, 157, 311. P. S. 13, 105.
- 108 § 1 amended, 1888, 313. P. S. 53.
- 111 Repealed, 1886, 38. P. S. 16.
- 112 Affected, 1894, 67. P. S. 16.
- 125 Repealed, 1891, 356. (See 1891, 427; 1892, 242, 276, 303.) P. S. 112.
- 127 § 2 amended, 1886, 101 § 4. P. S. 89.

**Statutes of 1882 — Continued.****Chap.**

- 129 Superseded, 1893, 469. (See 1886, 184; 1889, 251.) P. S. 158.  
 135 Shall not apply to provisions of 1890, 428. See 1885, 194. P. S. 112.  
 139 Extended, 1883, 252; 1889, 197; 1896, 476. P. S. 18, 159.  
 144 Superseded, 1893, 469. P. S. 158.  
 146 Affected, 1886, 15. P. S. 154.  
 148 Repealed, 1894, 317. (See 1886, 252; 1889, 77, 321; 1892, 248.) P. S. 116.  
 150 Repealed, 1894, 508. P. S. 74.  
 154 § 1 amended, 1890, 240. § 7 extended, 1895, 450 § 4. Affected, 1884, 226; 1893, 300, 407, 416 § 11; 1896, 199. (See 1887, 411 §§ 90, 108; 1893, 367 §§ 90, 108; 1897, 428.) P. S. 27, 28.  
 157 Affected, 1888, 289. P. S. 17.  
 158 Superseded, 1889, 440 § 10; 1891, 293. P. S. 4.  
 163 Affected, 1886, 296 § 3. 1897, 254 §§ 3, 9. P. S. 35, 203.  
 165 Amended. 1887, 125. P. S. 11.  
 166 § 1 amended, 1884, 317. (See 1883, 121; 1893, 201 · 1895, 88; 1897, 110.) P. S. 91.  
 176 In part repealed, 1884, 197; 1887, 117; 1894, 470. P. S. 154.  
 178 Superseded, 1887, 411 § 127. (See 1893, 367 § 127.) P. S. 14.  
 179 Superseded, 1887, 411 § 124. (See 1893, 367 § 124. Res. 1890, 67.) P. S. 14.  
 181 § 3 amended, 1886, 330; 1888, 248. §§ 1, 2, 3 amended, 1886, 101 § 4. Affected, 1883, 232; 1893, 217, 252; 1896, 382. P. S. 48, 86.  
 182 Superseded, 1896, 380. P. S. 28.  
 195 § 1 repealed, 1888, 449 § 21. (See 1894, 367, 522.) P. S. 119.  
 196 Repealed, 1888, 24; 1897, 114. P. S. 5.  
 199 Affected, 1886, 276 § 11. P. S. 92.  
 200 Repealed, 1894, 317. (See 1886, 77.) P. S. 116.  
 203 Repealed, 1888, 264 § 3; 1889, 412. (See 1884, 95; 1887, 355.) P. S. 221.  
 205 Repealed, 1888, 274 § 3. (See 1892, 104, 328.) P. S. 152.  
 208 Repealed, 1894, 481. (See 1883, 173; 1892, 419 § 138.) P. S. 104.  
 212 Affected, 1883, 105; 1885, 327; 1887, 31, 212; 1888, 333; 1889, 111; 1894, 143, 144; 1895, 57, 421; 1896, 254, 297; 1897, 117. § 2 amended, 1888, 333. § 6 affected, 1885, 327. (See 1888, 296.) P. S. 20.  
 217 § 1 amended, 1888, 323. (See 1889, 465.) P. S. 11.  
 218 Affected, 1890, 127. P. S. 11.  
 219 Affected, 1884, 122. P. S. 45.  
 220 Limited, 1894, 129. P. S. 100.  
 223 Amended, 1893, 194, 280. P. S. 146.  
 224 Repealed, 1890, 168. (See 1883, 202.) P. S. 116.  
 225 Extended, 1894, 469. P. S. 112.  
 226 § 2 affected, 1892, 290. P. S. 219.  
 227 § 3 amended, 1883, 75; 1889, 122. P. S. 154.  
 231 Repealed, 1887, 423. (See 1885, 124; 1888, 90 § 2; 1890, 369.) P. S. 116.

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- 232 § 1 amended, 1886, 37 § 2; 1890, 294. Affected 1897, 342. P. S. 159.
- 233 Amended, 1886, 165. § 2 affected, 1889, 312. § 6 in part superseded, 1889, 19; 1892, 93; 1893, 479. P. S. 154.
- 237 Extended, 1885, 283. Amended, 1890, 427 § 1. Affected, 1893, 340. (See 1889, 442.) P. S. 176.
- 239 Superseded, 1894, 412. P. S. 153.
- 241 See 1885, 35; 1887, 292, 375; 1888, 192; 1895, 273; 1896, 317, 521, 536. P. S. 219.
- 242 Affected, 1885, 90. P. S. 100.
- 243 Repealed, 1888, 390 § 95. P. S. 12.
- 244 Affected, 1886, 125. Extended, 1890, 181. P. S. 112, 115.
- 245 § 1 superseded in part. 1886, 15, 37, 123, 130, 166; 1887, 180; 1888, 195; 1889, 97, 158, 174, 218, 277, 289; 1892, 100; 1893, 479; 1897, 390. § 2 superseded, 1887, 160; 1892, 233. P. S. 154, 159.
- 246 Affected, 1885, 345 § 6. P. S. 40.
- 247 Repealed, 1884, 298 § 53. (See 1890, 423; 1893, 417.) P. S. 6.
- 249 Superseded, 1895, 234 § 5. P. S. 187.
- 250 Repealed, 1885, 122. (See 1894, 399.) P. S. 102.
- 251 Affected, 1883, 98; 1896, 277, 285, 286, 327, 361. Amended, 1885, 121. In part repealed, 1887, 216. (See 1895, 172.) P. S. 117.
- 252 Repealed, 1892, 419 § 138. P. S. 11, 104.
- 253 Superseded, 1891, 396. P. S. 9.
- 255 See 1896, 190. P. S. 49.
- 257 § 1 superseded, 1894, 394. §§ 2, 3 superseded, 1895, 193. (See 1884, 334; 1887, 116.) § 4 affected, 1895, 11. P. S. 2.
- 258 See 1894, 180. P. S. 102.
- 259 See 1894, 388; 1896, 169. P. S. 100.
- 260 Repealed, 1890, 423 § 228. (See 1893, 417.) P. S. 7.
- 263 Amended, 1883, 263 § 1; 1884, 289; 1886, 171; 1897, 344. Affected, 1885, 352 § 5; 1886, 317, 318; 1891, 319; 1896, 397. § 5 amended, 1886, 101 § 5. P. S. 208.
- 264 § 1 affected, 1888, 257; 1889, 433. P. S. 168.
- 265 § 3 affected, 1884, 279. P. S. 112.
- 266 Repealed, 1894, 481. (See 1887, 218, 276; 1888, 426.) P. S. 104.
- 268 Repealed, 1884, 298 § 53. (See 1890, 423 § 228; 1893, 417.) P. S. 6.
- 270 § 3 amended, 1886, 101 § 4. In part repealed, 1892, 318 § 16. § 4 amended, 1884, 210; 1885, 176; 1893, 262. (See 1889, 309, 416; 1891, 194.) P. S. 48.
- 272 Affected, 1884, 76. P. S. 102.
- 274 § 2 repealed, 1883, 183 § 3. P. S. 94.

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- 31 Affected, 1895, 88. P. S. 91.
- 33 Repealed, 1887, 214 § 112. (See 1891, 368; 1892, 47; 1894, 522.)  
P. S. 119.
- 36 Repealed, 1886, 276 § 11. P. S. 92.
- 41 § 1 affected, 1887, 86 § 2. P. S. 11.
- 42 Repealed, 1890, 423 § 228. (See 1884, 299 §§ 29-32; 1886, 262;  
1888, 164; 1893, 417 § 209.) P. S. 7.
- 48 Superseded, 1887, 26. (See 1893, 103; 1897, 351.) P. S. 15.
- 52 Repealed, 1894, 317. (See 1883, 248; 1886, 77.) P. S. 116.
- 53 Superseded, 1888, 235. P. S. 154.
- 54 Superseded, 1886, 37; 1890, 294. P. S. 159.
- 55 Superseded, 1891, 292. (See 1885, 369 § 3; 1888, 85; 1889, 440.)  
P. S. 4.
- 57 Superseded, 1885, 155 § 5. P. S. 155.
- 61 Affected, 1888, 180. P. S. 26.
- 62 Affected, 1886, 281; 1888, 346. P. S. 183.
- 65 See 1890, 440 § 9; 1896, 225. P. S. 103.
- 71 Superseded, 1892, 96. (See 1886, 73; 1889, 103.) P. S. 11.
- 76 Affected, 1884, 199; 1886, 163; 1889, 292; 1890, 336. P. S. 91.
- 78 Affected, 1885, 339 § 3; 1886, 319 § 2. P. S. 87.
- 80 § 2 superseded, 1886, 106 § 2. P. S. 154.
- 91 Affected, 1887, 86; 1890, 242. (See 1891, 65.) P. S. 11.
- 93 Superseded, 1890, 242. (See 1887, 86.) P. S. 11.
- 97 § 3 superseded, 1894, 336. (See 1885, 180; 1888, 233; 1891, 107.)  
P. S. 154.
- 98 Affected, 1885, 121; 1887, 216. P. S. 117.
- 101 Repealed, 1888, 390 § 95. P. S. 12.
- 105 Affected, 1887, 31; 1888, 333; 1894, 143, 144; 1895, 57; 1896,  
297; 1897, 117. P. S. 20.
- 107 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
- 109 Affected, 1895, 106. P. S. 19.
- 110 Amended, 1886, 101 § 4. P. S. 89.
- 113 Affected, 1883, 154. P. S. 1.
- 117 Amended, 1888, 240. Extended, 1891, 129. P. S. 112.
- 118 Affected, 1889, 457. P. S. 68.
- 120 Superseded, 1887, 448 § 2. (See 1892, 388.) P. S. 99.
- 121 See 1884, 317; 1893, 201; 1895, 88; 1897, 110. P. S. 91.
- 124 Repealed, 1897, 437. (See 1887, 335; 1888, 302 § 2.) P. S. 32.
- 126 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
- 133 Superseded, 1889, 193. P. S. 80.
- 134 Repealed, 1894, 317. P. S. 116.
- 138 Amended, 1886, 101 § 4; 1893, 302. (See 1884, 98.) P. S. 80.
- 142 Affected, 1889, 299. (See 1890, 264 § 3.) P. S. 82.
- 145 Affected, 1884, 237; 1886, 210. P. S. 50.
- 148 §§ 2, 3 amended, 1889, 90. P. S. 87.
- 156 Extended, 1887, 147; 1888, 436 § 28. P. S. 203.

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- 157 Limited, 1884, 275 § 4. Affected, 1887, 280; 1892, 357. P. S. 48, 74.
- 158 Repealed, 1897, 444 § 31. (See 1889, 288.) P. S. 32.
- 164 Repealed, 1886, 38. (See 1886, 334.) P. S. 16.
- 168 Affected, 1892, 331. P. S. 68.
- 173 Repealed, 1892, 419 § 138; 1894, 481. P. S. 104.
- 174 Affected, 1886, 236; 1887, 433 § 4. (See 1893, 208; 1894, 498.) P. S. 44.
- 175 Affected, 1890, 202. P. S. 155.
- 187 Affected, 1884, 169. (See 1893, 419.) P. S. 102.
- 202 Repealed, 1890, 168. P. S. 116.
- 203 Repealed, 1893, 417. (See 1886, 150.) P. S. 27.
- 216 Amended, 1886, 51; 1887, 289. (See 1888, 282.) P. S. 159.
- 217 Affected, 1887, 447 § 8; 1888, 189, 403 § 2; 1891, 371; 1897, 412, 434, 480. (See 1894, 451.) P. S. 219, 220, 221.
- 218 Superseded, 1894, 429. (See 1884, 70.) P. S. 60.
- 221 Extended, 1889, 398, 434; 1895, 350. P. S. 27, 109.
- 223 Affected, 1885, 384. § 5 amended, 1884, 316; 1892, 440. § 7 amended, 1893, 61. § 16 extended, 1895, 116. § 17 affected, 1887, 383. P. S. 151, 152, 167.
- 224 Repealed, 1888, 348 § 12. (See 1885, 222; 1892, 352.) P. S. 48.
- 225 See 1888, 414; 1890, 465; 1894, 198. P. S. 65.
- 229 Repealed, 1890, 423 § 228. (See 1885, 261; 1891, 32; 1893, 417.) P. S. 7.
- 230 Repealed, 1887, 94. P. S. 58.
- 232 Affected, 1893, 217, 252; 1894, 481. § 3 amended, 1886, 101 § 4. (See 1886, 330 § 2; 1888, 248; 1896, 382.) P. S. 84, 90.
- 235 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
- 239 In part repealed, 1886, 298. P. S. 87.
- 242 Amended, 1897, 303. P. S. 157.
- 243 Affected, 1887, 270; 1888, 155; 1892, 260; 1893, 359; 1894, 499; 1895, 362 § 7. (See 1896, 302.) P. S. 74, 112.
- 244 Superseded, 1893, 469. (See 1888, 112. P. S. 158.)
- 245 Repealed, 1894, 498. P. S. 47.
- 248 Repealed, 1894, 317. P. S. 116.
- 251 Repealed so far as it relates to Boston, 1892, 419 § 138. Affected, 1884, 223; 1888, 86; 1894, 481. § 2 repealed, 1888, 426 § 14. (See 1894, 414.) P. S. 104.
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- 258 In part repealed, 1894, 317. (See 1886, 300; 1887, 214 § 112; 1894, 522.) P. S. 116, 119.
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- 262 Not repealed by 1885, 302. P. S. 82.
- 263 Superseded, 1884, 289 § 6. (See 1891, 319.) P. S. 208.
- 267 Affected, 1887, 447; 1888, 403; 1889, 294; 1897, 329. P. S. 221.
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- 125 Repealed, 1888, 437 § 6. (See 1893, 417 §§ 96-99.) P. S. 28.
- 129 Amended, 1896, 269. Affected, 1891, 321; 1892, 245 § 7. P. S. 29.
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- 178 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
- 179 Affected, 1888, 322; 1892, 68; 1893, 124; 1894, 245, 314; 1895, 10, 450 § 19, 488 § 18. §§ 3, 4 amended, 1890, 58; § 4 partially repealed, 1891, 54. P. S. 16.
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- 298 Repealed, 1890, 423 § 228. (See 1885, 271 § 6; 1886, 68 § 2, 264 § 4, 5; 1887, 432; 1888, 200, 206; 1889, 404, 467; 1890, 305; 1891, 277; 1892, 351; 1893, 417.) P. S. 6.
- 299 Repealed, 1890, 423 § 228. (See 1885, 142, 351; 1887, 443; 1888, 164, 353, 436, 437; 1891, 264; 1892, 351; 1893, 417.) P. S. 7.
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- 261 Repealed, 1890, 423 § 228. (See 1891, 32.) P. S. 27.
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- 354 Repealed, 1887, 214 § 112. (See 1894, 522.) P. S. 119.
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- 340 Amended, 1892, 280; 1896, 440. P. S. 7, 31, 100.
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- 353 Repealed, 1890, 423 § 228. (See 1888, 436; 1892, 351 § 48; 1893, 417 §§ 130, 283.) P. S. 7.
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- 436** Repealed, 1893, 417 § 345. (See 1891, 10, 31, 32, 74, 155, 270, 278, 305; 1892, 406; 1893, 351.) P. S. 7.
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- 439** §§ 1, 2 amended, 1893, 226; 1894, 542. P. S. 115.

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- 441 Repealed, 1897, 510. (See 1896, 252.) P. S. 80.
- 447 Affected, 1893, 237. § 1 amended, 1893, 279. P. S. 30.
- 448 § 9 repealed, 1894, 525. P. S. 68.
- 449 § 2 amended, 1891, 144. P. S. 67.
- 450 Affected, 1891, 274; 1892, 177; 1894, 375. (See 1893, 401.) P. S. 35.
- 456 Affected, 1894, 298; 1896, 342. §§ 1, 2, 3, 6 amended, 1891, 223. § 1 amended, 1895, 410. P. S. 2.
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- 10 Repealed, 1893, 417. (See 1891, 155; 1892, 51; 1893, 87.) P. S. 7, 27.
- 15 Extended, 1894, 27, 117. P. S. 203.
- 31 Repealed, 1893, 417. (See 1893, 87.) P. S. 27.
- 32 Repealed, 1893, 417. P. S. 27.
- 33 Affected, 1891, 262; 1895, 103; 1897, 264. (See 1892, 312; 1893, 283.) P. S. 112.
- 49 Affected, 1892, 147; 1896, 190. (See 1893, 78, 403; 1897, 254, 428.) P. S. 54.
- 54 Superseded, 1894, 245. P. S. 16.
- 58 Affected, 1891, 412. § 1 amended, 1894, 280 § 6; 1896, 377 § 1. P. S. 56, 57.
- 65 See 1894, 220. P. S. 11.
- 70 Affected, 1891, 325; 1893, 396 § 1. P. S. 154.
- 74 Repealed, 1893, 417. P. S. 7.
- 76 Repealed, 1894, 393. P. S. 4.
- 79 Superseded, 1893, 288. P. S. 22.
- 80 Superseded, 1892, 399. P. S. 22.
- 91 Superseded, 1893, 469. P. S. 158.
- 97 Amended, 1893, 380; 1897, 274. Affected, 1892, 245; 1893, 65; 1894, 528; 1895, 117, 127, 227; 1896, 236, 251; 1897, 138. (See 1892, 402; 1896, 359.) P. S. 50.
- 107 Superseded, 1894, 336. P. S. 154.
- 113 In part superseded, 1894, 297. P. S. 17.
- 116 Extended, 1893, 149. P. S. 11.
- 123 Affected, 1892, 178; 1894, 216; 1897, 264. (See 1892, 312.) P. S. 112.
- 125 Repealed, 1892, 410. P. S. 74.
- 138 Affected, 1895, 277. P. S. 91.



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- 142 § 1 repealed, 1894, 205. (See 1893, 189, 398; 1894, 102.) P. S. 92.
- 155 Repealed, 1893, 417. (See 1891, 278; 1893, 87.) P. S. 27.
- 158 Affected, 1892, 53. P. S. 87.
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- 177 § 1 amended, 1893, 272. P. S. 43.
- 179 Superseded, 1897, 419. P. S. 28.
- 180 Affected, 1891, 419; 1892, 348. (See 1893, 376.) P. S. 160.
- 185 Amended, 1891, 406. P. S. 81.
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- 191 Repealed, 1894, 393. P. S. 4.
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- 194 Affected, 1892, 318. P. S. 48, 80, 141.
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- 200 See 1895, 273. P. S. 215.
- 209 See 1891, 228, 371; 1894, 451, 460; 1897, 412, 434, 480. P. S. 221.
- 210 See 1893, 78. P. S. 20.
- 220 Affected, 1895, 213; 1896, 332. P. S. 102.
- 221 Affected, 1893, 23. P. S. 29.
- 223 Affected, 1894, 298; 1896, 342. § 1 amended, 1895, 410. P. S. 2.
- 224 Affected, 1892, 438 § 2. P. S. 5.
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- 256 Repealed, 1893, 417. P. S. 7.
- 262 See 1892, 312; 1893, 283; 1895, 103; 1897, 264. P. S. 112.
- 263 Superseded, 1894, 436. (See 1895, 94, 212.) P. S. 44.
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- 265 See 1894, 126. P. S. 38.
- 269 Repealed, 1893, 417. P. S. 7.
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 278 Repealed, 1893, 417. P. S. 7.  
 281 Repealed, 1897, 439 § 14. P. S. 37.  
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- 47 Repealed, 1894, 137. (See 1894, 522 § 20; 1895, 59 § 1.) P. S. 119.
- 51 Repealed, 1893, 417. P. S. 27.
- 53 See 1892, 229; 1894, 195. P. S. 87.
- 62 Repealed, 1894, 498. (See 1894, 188.) P. S. 47.
- 83 Repealed, 1894, 508 § 12. (See 1892, 352, 357.) P. S. 74.
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- 133 See 1893, 404, 452; 1894, 68, 330, 424; 1896, 459; 1897, 478. P. S. 159.
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- 178 See 1893, 283. P. S. 112.
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- 224 Repealed, 1893, 417. P. S. 7, 27.
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- 248 Repealed, 1894, 317. P. S. 116.
- 259 Affected, 1893, 454; 1894, 182, 448, 553 § 3; 1896, 356, 426. P. S. 27, 28, 61.
- 260 Amended, 1893, 359; 1897, 491. (See 1894, 499; 1895, 362 § 7.) P. S. 74.
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- 372 Superseded, 1894, 522 § 73. (See 1893, 434; 1894, 120, 225.)  
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- 401 Affected, 1893, 437; 1894, 82; 1895, 297, 494. P. S. 50.
- 402 Affected, 1895, 297, 494; 1896, 237, 359. § 3 amended, 1894, 256.  
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- 405 § 2 repealed, 1895, 209. (See 1894, 261.) § 4 repealed, 1894, 30. P. S. 157.
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- 417 § 2 affected, 1894, 449; 1895, 502; 1896, 393. § 7 superseded, 1894, 508 § 4. §§ 16, 17 amended, 1894, 268. § 20 affected, 1894, 271 § 4; 1895, 61. § 35 amended, 1895, 207. §§ 37, 39 affected, 1896, 73. §§ 37, 40, 49, 56 amended, 1894, 271. §§ 38, 39 amended, 1895, 27. §§ 39, 40 affected, St. 1897, 210. § 41 amended, 1895, 2. § 45 affected, 1896, 109. § 45 see 1897, 296 § 3. § 48 amended, 1894, 291. § 49 repealed, 1895, 61. §§ 54, 226, 229 affected, 1895, 355. §§ 62, 64, 65, 72 amended, 1896, 469. §§ 71-74 affected, 1894, 504; 1895, 489, 502, 507; 1896, 435, 469. § 75 affected, 1895, 323. § 78 affected, 1895, 237; amended, 1895, 262; 1896, 469 § 5. § 79 amended, 1896, 469 § 6. § 80 amended, 1895, 253. § 81 amended, 1895, 262. § 82 amended, 1895, 244; 1897, 91. § 87 amended, 1896, 469 § 7. §§ 92-95 superseded, 1896, 383. (See 1894, 343.) § 97 amended, 1896, 244. § 99 repealed, 1895, 220. § 101 extended, 1894, 132. § 116 repealed, 1895, 285. § 123 affected, 1895, 508. § 129 amended, 1897, 530 § 21. § 130 amended, 1897, 482. § 136 amended, 1895, 196. § 149 amended, 1895, 275; 1896, 469 § 8. § 150 amended, 1894, 275. §§ 162, 163 affected, 1896, 518. § 170 amended, 1897, 530 § 7. §§ 172, 178 affected, 1895, 240. § 175 amended, 1897, 530 § 3. § 179 amended, 1896, 469 § 9. § 196 amended, 1897, 475. § 204 amended, 1894, 200. §§ 207, 210 amended, 1894, 385. §§ 209, 210, 211 repealed, 1895, 299. (See 1895, 89.) § 238 affected, 1894, 248; 1895, 242. § 254 repealed, 1895, 100. § 266 amended, 1894, 16; affected, 1894, 132 § 10. §§ 293-308 see 1893, 465. §§ 336, 337 superseded, 1894, 508 §§ 4, 5, 58, 78. (See 1894, 209; 1897, 287.) P. S. 6, 7, 8.
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 461 Affected, 1894, 409 § 5; 1896, 306. P. S. 145.  
 462 Affected, 1896, 313; 1897, 379. P. S. 54, 104.  
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- 174 Superseded, 1895, 332. P. S. 80.
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- 184 Repealed, 1895, 308. P. S. 162.
- 188 Repealed, 1894, 498. (See 1894, 508.) P. S. 47.
- 195 Affected, 1895, 286, 429. (See 1894, 251.) P. S. 87.
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- 229 Affected, 1894, 368. P. S. 212.
- 248 Repealed, 1895, 242. P. S. 7, 15.
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- 59 Affected, 1896, 137, 140. § 2 limited, 1895, 159. Amended, 1896, 448; 1897, 357. P. S. 119.
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- 190 Affected, 1896, 126, 270. P. S. 119.
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- 262 § 1 amended, 1896, 469 § 5. P. S. 6.
- 263 Amended, 1896, 515 § 7. P. S. 119.
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- 275 § 1 amended, 1896, 469 § 8. P. S. 7.
- 281 See 1895, 340; 1896, 102, 515. P. S. 119.
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- 286 Affected, 1895, 429. P. S. 87.
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- 347 Affected, 1895, 486; 1896, 481, 513. P. S. 49.
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- 366 See 1896, 515 § 5. P. S. 119.
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- 38 Affected, 1896, 241. § 1 amended, 1896, 334. P. S. 74.
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- 71 Extended, 1896, 546. P. S. 102.
- 74 §§ 1, 2 amended, 1896, 447. P. S. 119.
- 76 See 1895, 496; 1896, 276; 1897, 499. P. S. 58, 90.
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- 88 § 16 amended, 1896, 436. § 23 amended, 1897, 336. § 30 revised, 1897, 327. P. S. 80.
- 89 Affected, 1895, 502, 507. §§ 4, 10 amended, 1896, 469 §§ 10, 11. §§ 6, 7, 14 amended, 1897, 530. P. S. 6, 7.
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- 258 Affected, 1897, 243. P. S. 4.
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- 276 Amended, 1897, 165. (See 1897, 499.) P. S. 58, 90.
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- 297 Affected, 1897, 117. P. S. 20.
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- 356 § 1 amended, 1896, 480. P. S. 61.
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- 363 See 1896, 469, 547 § 1; 1897, 210, 530. P. S. 6.
- 369 Amended, 1897, 492. P. S. 106.
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- 402 Superseded, 1897, 63. (See 1896, 448.) P. S. 119.
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- 513 § 1 amended, 1897, 355 § 3. P. S. 49.
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- 547 Repealed, 1897, 296. P. S. 6.
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- 62 See 1897, 63, 64, 65, 67. P. S. 119.
- 80 See 1897, 81, 83. P. S. 80.
- 128 See 1897, 153. P. S. 23.
- 129 See 1897, 153. P. S. 23.
- 130 See 1897, 153. P. S. 23.
- 137 See 1897, 153. P. S. 22.
- 138 See 1897, 151. P. S. 50.
- 153 Limited, 1897, 505. P. S. 40.
- 165 Affected, 1897, 499. P. S. 58, 90.
- 179 Affected, 1897, 399. P. S. 30.
- 180 See 1897, 349, 387, 528. P. S. 154.
- 202 See 1897, 442. P. S. 44.
- 206 Affected, 1897, 272. P. S. 220.
- 213 See 1897, 269. P. S. 113.
- 254 Affected, 1897, 428. P. S. 54.
- 271 § 5 amended, 1897, 487. P. S. 100.
- 327 See 1897, 510. P. S. 80.
- 382 See 1897, 466. P. S. 162.
- 387 Repealed, 1897, 528. P. S. 154.
- 395 Amended, 1897, 451. P. S. 220.
- 412 Affected, 1897, 434. § 2 amended, 1897, 480. P. S. 221.
- 434 See 1897, 480. P. S. 221.
- 437 See 1897, 444. P. S. 65.
- 438 See 1897, 448. P. S. 14.
- 443 § 1 amended, 1897, 517. P. S. 65.
- 482 See 1897, 530. P. S. 7.



## Commonwealth of Massachusetts.

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OFFICE OF THE SECRETARY, BOSTON, August 12, 1897.

I certify that the acts and resolves contained in this volume are true copies of the originals, and that the accompanying papers are transcripts of official records and returns.

I further certify that the tables showing what general statutes have been affected by subsequent legislation have been prepared, and are printed as an appendix to this edition of the laws, by direction of the governor, in accordance with the provisions of Chapter 238 of the Acts of 1882.

WILLIAM M. OLIN,

*Secretary of the Commonwealth.*



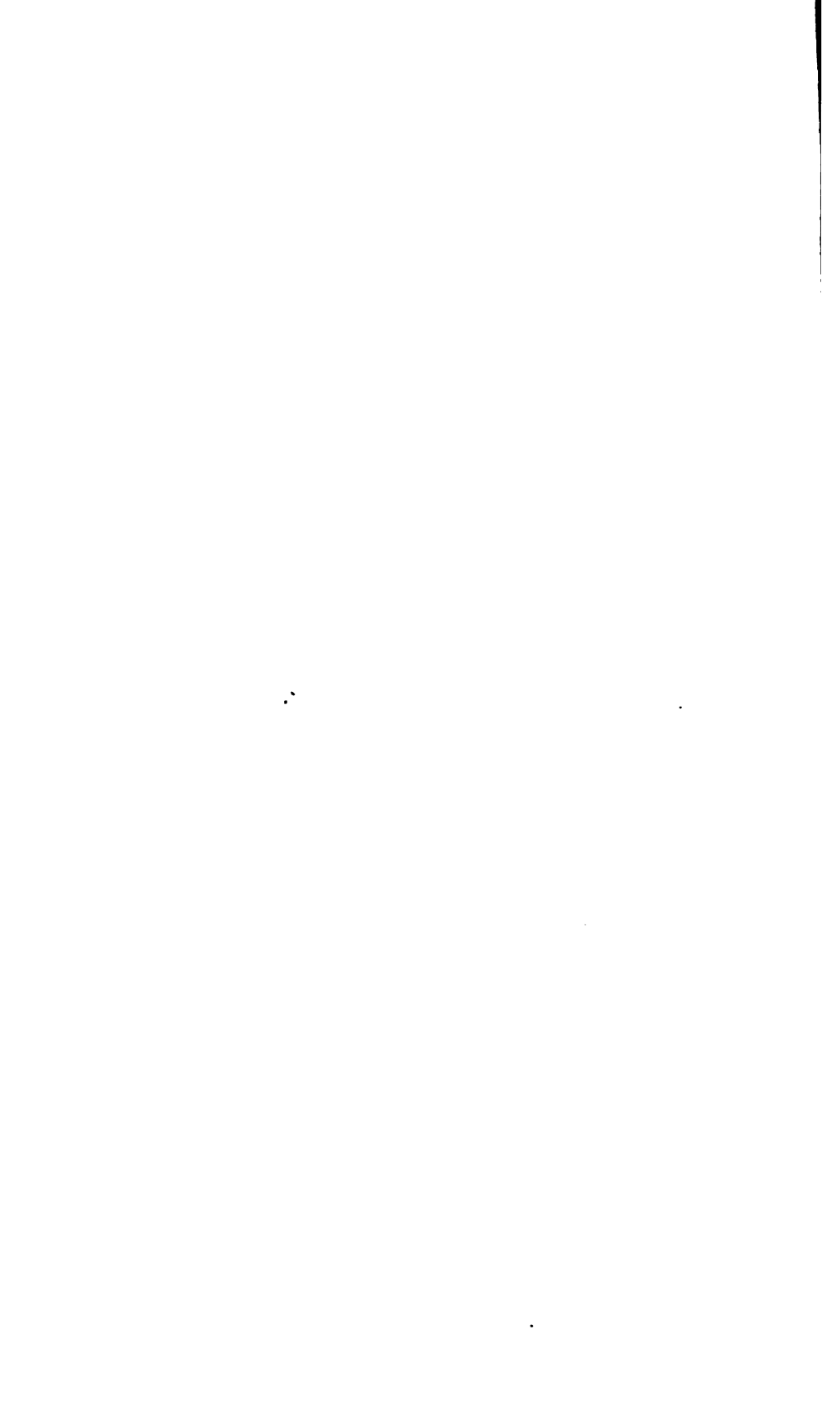
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